

---

**SENATE BILL 6404**

---

**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senators Prentice, Prince, Owen and Wood; by request of Department of Transportation

Read first time 01/15/96. Referred to Committee on Transportation.

1 AN ACT Relating to metric weights and measures; amending RCW  
2 7.48.140, 8.12.040, 14.16.090, 17.21.410, 18.08.410, 19.94.440,  
3 19.94.450, 19.94.460, 19.122.020, 35.23.430, 35.56.200, 35.56.210,  
4 35.58.2796, 35.58.560, 35.84.060, 35A.14.310, 36.55.020, 36.82.100,  
5 36.85.030, 36.86.010, 36.86.100, 37.08.210, 37.08.250, 39.04.180,  
6 39.35.030, 46.04.071, 46.04.085, 46.04.200, 46.04.304, 46.04.470,  
7 46.04.582, 46.10.100, 46.16.160, 46.37.020, 46.37.050, 46.37.060,  
8 46.37.120, 46.37.140, 46.37.150, 46.37.190, 46.37.215, 46.37.440,  
9 46.37.460, 46.44.020, 46.44.030, 46.44.037, 46.44.042, 46.44.047,  
10 46.44.050, 46.44.070, 46.44.091, 46.44.092, 46.44.105, 46.44.130,  
11 46.44.140, 46.61.120, 46.61.125, 46.61.150, 46.61.295, 46.61.305,  
12 46.61.310, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.410,  
13 46.61.440, 46.61.450, 46.61.460, 46.61.570, 46.61.575, 46.61.581,  
14 46.61.655, 47.04.010, 47.12.026, 47.17.001, 47.24.020, 47.26.060,  
15 47.28.020, 47.32.140, 47.36.270, 47.36.290, 47.36.310, 47.36.320,  
16 47.36.330, 47.40.080, 47.41.030, 47.41.040, 47.42.020, 47.42.040,  
17 47.42.045, 47.42.062, 47.42.063, 47.42.065, 47.42.130, 47.44.050,  
18 47.52.090, 47.56.220, 47.58.010, 47.68.350, 48.18.297, 49.24.010,  
19 49.24.020, 49.24.080, 49.24.120, 49.24.130, 49.24.140, 49.24.230,  
20 49.24.260, 49.24.270, 49.24.290, 49.24.300, 49.24.310, 49.24.320,  
21 49.70.117, 53.08.310, 53.08.350, 53.54.020, 58.09.050, 58.09.090,

1 58.17.080, 58.17.090, 58.17.095, 70.74.040, 70.74.191, 70.74.250,  
2 70.74.340, 70.74.350, 79.01.344, 79.90.030, 79.90.035, 79.90.040,  
3 79.90.045, 79.92.030, 79.93.010, 81.36.010, 81.52.040, 81.53.080,  
4 81.53.090, 82.08.0287, 82.12.0282, 82.16.010, 84.36.079, 88.24.040,  
5 90.58.140, and 90.58.320; reenacting and amending RCW 46.61.290;  
6 creating a new section; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that it is a public  
9 benefit to provide information as to the metric conversion of the  
10 present system adopted in a number of state statutes. The purpose of  
11 this act is to provide the metric conversion in a nonbinding form, as  
12 shown in parentheses.

13 The legislature further finds that the statute will be of  
14 particular benefit to those agencies and local governments that are  
15 involved in federal-aid capital projects. The legislature recognizes  
16 the Federal Highway Administration has required that on all direct and  
17 federal-aid highway or related construction contracts entered after  
18 September 30, 1996, metric units of measurement are to be used. The  
19 system known as System International (S.I.) is also reflected in the  
20 United States Presidential Executive Order 12770 issued on July 25,  
21 1991, in accordance with the Omnibus Trade and Competitiveness Act of  
22 1988.

23 Nothing in this act is intended to require the use of metric units  
24 for measurement purposes and is not intended to affect any existing  
25 rights. In all cases the existing English measurements control in a  
26 situation requiring precise measurement.

27 **Sec. 2.** RCW 7.48.140 and 1994 c 45 s 2 are each amended to read as  
28 follows:

29 It is a public nuisance:

30 (1) To cause or suffer the carcass of any animal or any offal,  
31 filth, or noisome substance to be collected, deposited, or to remain in  
32 any place to the prejudice of others;

33 (2) To throw or deposit any offal or other offensive matter, or the  
34 carcass of any dead animal, in any watercourse, stream, lake, pond,  
35 spring, well, or common sewer, street, or public highway, or in any  
36 manner to corrupt or render unwholesome or impure the water of any such

1 spring, stream, pond, lake, or well, to the injury or prejudice of  
2 others;

3 (3) To obstruct or impede, without legal authority, the passage of  
4 any river, harbor, or collection of water;

5 (4) To obstruct or encroach upon public highway, private ways,  
6 streets, alleys, commons, landing places, and ways to burying places or  
7 to unlawfully obstruct or impede the flow of municipal transit vehicles  
8 as defined in RCW 46.04.355 or passenger traffic, access to municipal  
9 transit vehicles or stations as defined in RCW 9.91.025(2)((~~a~~)), or  
10 otherwise interfere with the provision or use of public transportation  
11 services, or obstruct or impede a municipal transit driver, operator,  
12 or supervisor in the performance of that individual's duties;

13 (5) To carry on the business of manufacturing gun powder,  
14 nitroglycerine, or other highly explosive substance, or mixing or  
15 grinding the materials therefor, in any building within fifty rods  
16 (251.46 meters) of any valuable building erected at the time such  
17 business may be commenced;

18 (6) To establish powder magazines near incorporated cities or  
19 towns, at a point different from that appointed by the corporate  
20 authorities of such city or town; or within fifty rods (251.46 meters)  
21 of any occupied dwelling house;

22 (7) To erect, continue, or use any building, or other place, for  
23 the exercise of any trade, employment, or manufacture, which, by  
24 occasioning obnoxious exhalations, offensive smells, or otherwise is  
25 offensive or dangerous to the health of individuals or of the public;

26 (8) To suffer or maintain on one's own premises, or upon the  
27 premises of another, or to permit to be maintained on one's own  
28 premises, any place where wines, spirituous, fermented, malt, or other  
29 intoxicating liquors are kept for sale or disposal to the public in  
30 contravention of law;

31 (9) For an owner or occupier of land, knowing of the existence of  
32 a well, septic tank, cesspool, or other hole or excavation ten inches  
33 (254 millimeters) or more in width at the top and four feet (1.2  
34 meters) or more in depth, to fail to cover, fence or fill the same, or  
35 provide other proper and adequate safeguards: PROVIDED, That this  
36 section shall not apply to a hole one hundred square feet (9.29 square  
37 meters) or more in area or one that is open, apparent, and obvious.

38 Every person who has the care, government, management, or control  
39 of any building, structure, powder magazine, or any other place

1 mentioned in this section shall, for the purposes of this section, be  
2 taken and deemed to be the owner or agent of the owner or owners of  
3 such building, structure, powder magazine or other place, and, as such,  
4 may be proceeded against for erecting, contriving, causing, continuing,  
5 or maintaining such nuisance.

6 **Sec. 3.** RCW 8.12.040 and 1925 ex.s. c 128 s 2 are each amended to  
7 read as follows:

8 When the corporate authorities of any such city shall desire to  
9 condemn land or other property, or damage the same, for any purpose  
10 authorized by this chapter, such city shall provide therefor by  
11 ordinance, and unless such ordinance shall provide that such  
12 improvement shall be paid for wholly or in part by special assessment  
13 upon property benefited, compensation therefor shall be made from any  
14 general funds of such city applicable thereto. If such ordinance shall  
15 provide that such improvement shall be paid for wholly or in part by  
16 special assessment upon property benefited, the proceedings for the  
17 making of such special assessment shall be as hereinafter prescribed,  
18 in this chapter: PROVIDED, That no special assessment shall be levied  
19 under authority of this chapter except when made for the purpose of  
20 streets, avenues, alleys, or highways or alterations thereof or changes  
21 of the grade therein or other improvements in or adjoining the same, or  
22 for bridges, approaches, culverts, sewers, drains, ditches, public  
23 squares, public playgrounds, public parks, drives or boulevards or for  
24 the purpose of draining swamps, marshes, tide flats, tidelands or ponds  
25 or for filling the same: AND IT IS FURTHER PROVIDED, That when a  
26 street, avenue, highway or boulevard is established or widened to a  
27 width greater than one hundred and fifty feet (45.72 meters) the excess  
28 over and above the one hundred and fifty feet (45.72 meters) shall be  
29 paid out of the general fund of such city without any deduction for  
30 benefits of such excess.

31 **Sec. 4.** RCW 14.16.090 and 1987 c 273 s 2 are each amended to read  
32 as follows:

33 (1) Any aircraft used to carry persons or property for  
34 compensation, or any aircraft that is rented or leased without a pilot  
35 shall be equipped with a survival kit consisting of those items  
36 prescribed by the department of transportation, which shall include, at  
37 least the following: (a) A tube tent or similar sheltering device; (b)

1 a horn, whistle, or similar audible device capable of emitting a signal  
2 one-quarter of a mile (402 meters); (c) a mirror; (d) matches; (e) a  
3 candle and/or another fire-starting device; and (f) survival  
4 instruction.

5 (2) It shall be unlawful for any person to operate such aircraft  
6 without such a survival kit: PROVIDED, HOWEVER, That nothing in this  
7 section shall apply to: (a) Instructional flights by an air school,  
8 with the exception of solo flights by students; (b) aircraft owned by  
9 and exclusively in the service of the United States government; (c)  
10 aircraft registered under the laws of a foreign country; (d) aircraft  
11 owned by the manufacturer thereof while being operated for test or  
12 experimental purposes, or for the purpose of training crews for  
13 purchasers of the aircraft; and (e) aircraft used by any air carrier or  
14 supplemental air carrier operating in accordance with the provisions of  
15 a certificate of public conveyance and necessity under the provisions  
16 of the federal aviation act of 1958, Public Law 85-726, as amended.

17 **Sec. 5.** RCW 17.21.410 and 1994 c 283 s 33 are each amended to read  
18 as follows:

19 (1) A certified applicator making a landscape application to:

20 (a) Residential property shall at the time of the application place  
21 a marker at the usual point of entry to the property. If the  
22 application is made to an isolated spot that is not a substantial  
23 portion of the property, the applicator shall only be required to place  
24 a marker at the application site. If the application is in a fenced or  
25 otherwise isolated backyard, no marker is required.

26 (b) Commercial properties such as apartments or shopping centers  
27 shall at the time of application place a marker in a conspicuous  
28 location at or near each site being treated.

29 (c) A golf course shall at the time of the application place a  
30 marker at the first tee and tenth tee or post the information in a  
31 conspicuous location such as on a central message board.

32 (d) A school, nursery school, or licensed day care shall at the  
33 time of the application place a marker at each primary point of entry  
34 to the school grounds.

35 (e) A park, cemetery, rest stop, or similar property as may be  
36 defined in rule shall at the time of the application place a marker at  
37 each primary point of entry.

1 (2) An individual making a landscape application to a school  
2 grounds, nursery school, or licensed day care, and not otherwise  
3 covered by subsection (1) of this section, shall be required to comply  
4 with the posting requirements in subsection (1)(d) of this section.

5 (3) The marker shall be a minimum of four inches (102 millimeters)  
6 by five inches (127 millimeters). It shall have the words: "THIS  
7 LANDSCAPE HAS BEEN TREATED BY" as the headline and "FOR MORE  
8 INFORMATION PLEASE CALL" as the footer. Larger size requirements for  
9 markers may be established in rule for specific applications. The  
10 company name and service mark with the applicator's telephone number  
11 where information can be obtained shall be included between the  
12 headline and the footer on the marker. The letters and service marks  
13 shall be printed in colors contrasting to the background.

14 (4) The property owner or tenant shall remove the marker according  
15 to the schedule established in rule. A commercial applicator is not  
16 liable for the removal of markers by unauthorized persons or removal  
17 outside the designated removal time.

18 (5) A certified applicator who complies with this section cannot be  
19 held liable for personal property damage or bodily injury resulting  
20 from markers that are placed as required.

21 **Sec. 6.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read  
22 as follows:

23 This chapter shall not affect or prevent:

24 (1) The practice of naval architecture, landscape architecture,  
25 engineering, space planning, interior design, or any legally recognized  
26 profession or trade by persons not registered as architects;

27 (2) Drafters, clerks, project managers, superintendents, and other  
28 employees of architects, engineers, naval architects, or landscape  
29 architects from acting under the instructions, control, or supervision  
30 of their employers;

31 (3) The construction, alteration, or supervision of construction of  
32 buildings or structures by contractors or superintendents employed by  
33 contractors or the preparation of shop drawings in connection  
34 therewith;

35 (4) Owners or contractors from engaging persons who are not  
36 architects to observe and supervise construction of a project;

37 (5) Any person from doing design work including preparing  
38 construction contract documents and administration of the construction

1 contract for the erection, enlargement, repair, or alteration of a  
2 structure or any appurtenance to a structure, if the structure is to be  
3 used for a residential building of up to and including four dwelling  
4 units or a farm building or is a structure used in connection with or  
5 auxiliary to such residential building or farm building such as a  
6 garage, barn, shed, or shelter for animals or machinery;

7 (6) Any person from doing design work including preparing  
8 construction contract documents and administering the contract for  
9 construction, erection, enlargement, alteration, or repairs of or to a  
10 building of any occupancy up to four thousand square feet (372 square  
11 meters) of construction;

12 (7) Design-build construction by registered general contractors if  
13 the structural design services are performed by a registered engineer;

14 (8) Any person from designing buildings or doing other design work  
15 for any structure prior to the time of filing for a building permit; or

16 (9) Any person from designing buildings or doing other design work  
17 for structures larger than those exempted under subsections (5) and (6)  
18 of this section, if the plans, which may include such design work, are  
19 stamped by a registered engineer or architect.

20 **Sec. 7.** RCW 19.94.440 and 1992 c 237 s 27 are each amended to read  
21 as follows:

22 (1) When a vehicle delivers to an individual purchaser a commodity  
23 in bulk, and the commodity is sold in terms of weight units, the  
24 delivery must be accompanied by a duplicate delivery ticket with the  
25 following information clearly stated, in ink or other indelible marking  
26 equipment and, in clarity, equal to type or printing:

27 (a) The name and address of the vendor;

28 (b) The name and address of the purchaser; and

29 (c) The weight of the delivery expressed in pounds (kilograms),  
30 and, if the weight is derived from determinations of gross and tare  
31 weights, such gross and tare weights also must be stated in terms of  
32 pounds (kilograms).

33 (2) One of the delivery tickets shall be retained by the vendor,  
34 and the other shall be delivered to the purchaser at the time of  
35 delivery of the commodity, or shall be surrendered on demand to the  
36 director or the city sealer who, if he or she elects to retain it as  
37 evidence, shall issue a weight slip in lieu thereof for delivery to the  
38 purchaser.

1 (3) If the purchaser himself or herself carries away the purchase,  
2 the vendor shall be required only to give the purchaser at the time of  
3 sale a delivery ticket stating the number of pounds (kilograms) of  
4 commodity delivered.

5 **Sec. 8.** RCW 19.94.450 and 1992 c 237 s 28 are each amended to read  
6 as follows:

7 (1) Except as provided in subsection (2) of this section, all solid  
8 fuels such as, but not limited to, coal, coke, charcoal, broiler chips,  
9 pressed fuels and briquets shall be sold by weight.

10 (2) All solid fuels such as hogged fuel, sawdust and similar  
11 industrial fuels may be sold or purchased by cubic measure.

12 (3) Unless a fuel is delivered to the purchaser in package form,  
13 each delivery of such fuel to an individual purchaser must be  
14 accompanied by a duplicate delivery ticket with the following  
15 information clearly stated, in ink or other indelible marking equipment  
16 and, in clarity equal to type or printing:

17 (a) The name and address of the vendor;

18 (b) The name and address of the purchaser; and

19 (c) The weight of the delivery and the gross and tare weights from  
20 which the weight is computed, each expressed in pounds (kilograms).

21 (4) One of the delivery tickets shall be retained by the vendor and  
22 the other shall be delivered to the purchaser at the time of delivery  
23 of the fuel, or shall be surrendered, on demand, to the director or the  
24 city sealer who, if he or she elects to retain it as evidence, shall  
25 issue a weight slip in lieu thereof for delivery to the purchaser.

26 (5) If the purchaser himself or herself carries away the purchase,  
27 the vendor shall be required only to give to the purchaser at the time  
28 of sale a delivery ticket stating the number of pounds (kilograms) of  
29 fuel delivered.

30 **Sec. 9.** RCW 19.94.460 and 1992 c 237 s 29 are each amended to read  
31 as follows:

32 (1) All stove and furnace oil shall be sold by liquid measure or by  
33 weight in accordance with the provisions of RCW 19.94.340.

34 (2) Unless such fuel is delivered to the purchaser in package form,  
35 each delivery of such fuel in an amount greater than ten gallons (40  
36 liters) in the case of sale by liquid measure or one hundred pounds (45  
37 kilograms) in the case of sale by weight must be accompanied by a



1 delivery ticket or a written statement on which, in ink or other  
2 indelible substance, there shall be clearly and legibly stated:

3 (a) The name and address of the vendor;

4 (b) The name and address of the purchaser;

5 (c) The identity of the type of fuel comprising the delivery;

6 (d) The unit price (that is, price per gallon (liter) or per pound  
7 (kilogram), as the case may be), of the fuel delivered;

8 (e) In the case of sale by liquid measure, the liquid volume of the  
9 delivery together with any meter readings from which such liquid volume  
10 has been computed, expressed in terms of the gallon (liter) and its  
11 binary or decimal subdivisions; and

12 (f) In the case of sale by weight, the net weight of the delivery,  
13 together with any weighing scale readings from which such net weight  
14 has been computed, expressed in terms of tons (metric tons) or pounds  
15 avoirdupois (kilograms).

16 (3) The delivery ticket required under this section must be  
17 delivered at the time of delivery unless an agreement, written or  
18 otherwise, between the vendor and the purchaser has been reached  
19 regarding the delivery of such delivery ticket.

20 **Sec. 10.** RCW 19.122.020 and 1984 c 144 s 2 are each amended to  
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout this chapter:

24 (1) "Business day" means any day other than Saturday, Sunday, or a  
25 legal local, state, or federal holiday.

26 (2) "Damage" includes the substantial weakening of structural or  
27 lateral support of an underground facility, penetration, impairment, or  
28 destruction of any underground protective coating, housing, or other  
29 protective device, or the severance, partial or complete, of any  
30 underground facility to the extent that the project owner or the  
31 affected utility owner determines that repairs are required.

32 (3) "Emergency" means any condition constituting a clear and  
33 present danger to life or property, or a customer service outage.

34 (4) "Excavation" means any operation in which earth, rock, or other  
35 material on or below the ground is moved or otherwise displaced by any  
36 means, except the tilling of soil less than twelve inches (305  
37 millimeters) in depth for agricultural purposes, or road and ditch

1 maintenance that does not change the original road grade or ditch  
2 flowline.

3 (5) "Excavator" means any person who engages directly in  
4 excavation.

5 (6) "Identified facility" means any underground facility which is  
6 indicated in the project plans as being located within the area of  
7 proposed excavation.

8 (7) "Identified but unlocatable underground facility" means an  
9 underground facility which has been identified but cannot be located  
10 with reasonable accuracy.

11 (8) "Locatable underground facility" means an underground facility  
12 which can be field-marked with reasonable accuracy.

13 (9) "Marking" means the use of stakes, paint, or other clearly  
14 identifiable materials to show the field location of underground  
15 facilities, in accordance with the current color code standard of the  
16 American public works association. Markings shall include  
17 identification letters indicating the specific type of the underground  
18 facility.

19 (10) "Person" means an individual, partnership, franchise holder,  
20 association, corporation, a state, a city, a county, or any subdivision  
21 or instrumentality of a state, and its employees, agents, or legal  
22 representatives.

23 (11) "Reasonable accuracy" means location within twenty-four inches  
24 (610 millimeters) of the outside dimensions of both sides of an  
25 underground facility.

26 (12) "Underground facility" means any item buried or placed below  
27 ground for use in connection with the storage or conveyance of water,  
28 sewage, electronic, telephonic or telegraphic communications,  
29 cablevision, electric energy, petroleum products, gas, gaseous vapors,  
30 hazardous liquids, or other substances and including but not limited to  
31 pipes, sewers, conduits, cables, valves, lines, wires, manholes,  
32 attachments, and those parts of poles or anchors below ground.

33 (13) "One-number locator service" means a service through which a  
34 person can notify utilities and request field-marking of underground  
35 facilities.

36 **Sec. 11.** RCW 35.23.430 and 1965 c 7 s 35.23.430 are each amended  
37 to read as follows:

1        If an improvement is made upon a street occupied by a street  
2 railway or any railroad enjoying a franchise on the street, the city  
3 council shall assess against the railroad its just proportion of making  
4 the improvement which shall be not less than the expense of improving  
5 the space between the rails of the railroad and for a distance of one  
6 foot (0.3 meter) on each side. The assessment against the railroad  
7 shall be made on the rolls of the improvement district the same as  
8 against other property in the district and shall be a lien on that  
9 portion of the railroad within the district from the time of the  
10 equalization of the roll. The lien may be foreclosed by a civil action  
11 in superior court and the same period of redemption from any sale on  
12 foreclosure shall be allowed as is allowed in cases of sale of real  
13 estate upon execution.

14        **Sec. 12.** RCW 35.56.200 and 1965 c 7 s 35.56.200 are each amended  
15 to read as follows:

16        In the filling of any marshland, swampland, tideland or tideflats  
17 no canal or waterway shall be constructed in connection therewith less  
18 than three hundred feet (91.4 meters) wide at the top between the shore  
19 lines and with sufficient slope to the sides or banks thereof to as  
20 nearly as practicable render bulkheadings or other protection against  
21 caving or falling in of said sides or banks unnecessary and of  
22 sufficient depth to meet all ordinary requirements of navigation and  
23 commerce.

24        **Sec. 13.** RCW 35.56.210 and 1965 c 7 s 35.56.210 are each amended  
25 to read as follows:

26        The canal or waterway shall be and remain under the control of the  
27 city and immediately upon its completion the city shall establish outer  
28 dock lines lengthwise of said canal or waterway on both sides thereof  
29 in such manner and position that not less than two hundred feet (61  
30 meters) of the width thereof shall always remain open between such  
31 lines and beyond and between which lines no right shall ever be granted  
32 to build wharves or other obstructions except bridges; nor shall any  
33 permanent obstruction to the free use of the channel so laid out  
34 between said wharf or dock lines excepting bridges, their approaches,  
35 piers, abutments and spans, ever be permitted but the same shall be  
36 kept open for navigation.

1       **Sec. 14.** RCW 35.58.2796 and 1989 c 396 s 2 are each amended to  
2 read as follows:

3       The department of transportation shall develop an annual report  
4 summarizing the status of public transportation systems in the state.  
5 By September 1st of each year, copies of the report shall be submitted  
6 to the legislative transportation committee and to each municipality,  
7 as defined in RCW 35.58.272, and to individual members of the  
8 municipality's legislative authority. The department shall prepare and  
9 submit a preliminary report by December 1, 1989.

10       To assist the department with preparation of the report, each  
11 municipality shall file a system report by April 1st of each year with  
12 the state department of transportation identifying its public  
13 transportation services for the previous calendar year and its  
14 objectives for improving the efficiency and effectiveness of those  
15 services. The system report shall address those items required for  
16 each public transportation system in the department's report.

17       The department report shall describe individual public  
18 transportation systems, including contracted transportation services  
19 and dial-a-ride services, and include a state-wide summary of public  
20 transportation issues and data. The descriptions shall include the  
21 following elements and such other elements as the department deems  
22 appropriate after consultation with the municipalities and the  
23 legislative transportation committee:

24       (1) Equipment and facilities, including vehicle replacement  
25 standards;

26       (2) Services and service standards;

27       (3) Revenues, expenses, and ending balances, by fund source;

28       (4) Policy issues and system improvement objectives, including  
29 community participation in development of those objectives and how  
30 those objectives address state-wide transportation priorities;

31       (5) Operating indicators applied to public transportation services,  
32 revenues, and expenses. Operating indicators shall include operating  
33 cost per passenger trip, operating cost per revenue vehicle service  
34 hour, passenger trips per revenue service hour, passenger trips per  
35 vehicle service mile (kilometer), vehicle service hours per employee,  
36 and farebox revenue as a percent of operating costs.

37       **Sec. 15.** RCW 35.58.560 and 1971 ex.s. c 303 s 10 are each amended  
38 to read as follows:

1 No county or city shall have the right to impose a tax upon the  
2 gross revenues derived by a metropolitan municipal corporation from the  
3 operation of a metropolitan sewage disposal, water supply, garbage  
4 disposal or public transportation system.

5 A metropolitan municipal corporation may credit or offset against  
6 the amount of any tax which is levied by the state during any calendar  
7 year upon the gross revenues derived by such metropolitan municipal  
8 corporation from the performance of any authorized function, the amount  
9 of any expenditures made from such gross revenues by such metropolitan  
10 municipal corporation during the same calendar year or any year prior  
11 to May 21, 1971, in planning for or performing the function of  
12 metropolitan public transportation and including interest on any moneys  
13 advanced for such purpose from other funds and to the extent of such  
14 credit a metropolitan municipal corporation may expend such revenues  
15 for such purposes.

16 A metropolitan municipal corporation authorized to perform the  
17 function of metropolitan public transportation and engaged in the  
18 operation of an urban passenger transportation system shall receive a  
19 refund of the amount of the motor vehicle fuel tax levied by the state  
20 and paid on each gallon (liter) of motor vehicle fuel used, whether  
21 such vehicle fuel tax has been paid either directly to the vendor from  
22 whom the motor vehicle fuel was purchased or indirectly by adding the  
23 amount of such tax to the price of such fuel: PROVIDED, That no  
24 refunds authorized by this section shall be granted on fuel used by any  
25 urban transportation vehicle on any trip where any portion of said trip  
26 is more than six road miles (10 kilometers) beyond the corporate limits  
27 of the metropolitan municipal corporation in which said trip  
28 originated.

29 **Sec. 16.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended  
30 to read as follows:

31 Every municipal corporation which owns or operates an urban public  
32 transportation system as defined in RCW 47.04.082 within its corporate  
33 limits, may acquire, construct, extend, own or operate such urban  
34 public transportation system to any point or points not to exceed  
35 fifteen miles (24.1 kilometers) outside of its corporate limits:  
36 PROVIDED, That no municipal corporation shall extend its urban public  
37 transportation system beyond its corporate limits to operate in any  
38 territory already served by a privately operated auto transportation

1 company holding a certificate of public convenience and necessity from  
2 the utilities and transportation commission.

3 **Sec. 17.** RCW 35A.14.310 and 1985 c 105 s 1 are each amended to  
4 read as follows:

5 A code city may annex an unincorporated area contiguous to the city  
6 that is owned by the federal government by adopting an ordinance  
7 providing for the annexation and which ordinance either acknowledges an  
8 agreement of the annexation by the government of the United States, or  
9 accepts a gift, grant, or lease from the government of the United  
10 States of the right to occupy, control, improve it or sublet it for  
11 commercial, manufacturing, or industrial purposes: PROVIDED, That this  
12 right of annexation shall not apply to any territory more than four  
13 miles (6.5 kilometers) from the corporate limits existing before such  
14 annexation. Whenever a code city proposes to annex territory under  
15 this section, the city shall provide written notice of the proposed  
16 annexation to the legislative authority of the county within which such  
17 territory is located. The notice shall be provided at least thirty  
18 days before the city proposes to adopt the annexation ordinance. The  
19 city shall not adopt the annexation ordinance, and the annexation shall  
20 not occur under this section, if within twenty-five days of receipt of  
21 the notice, the county legislative authority adopts a resolution  
22 opposing the annexation, which resolution makes a finding that the  
23 proposed annexation will have an adverse fiscal impact on the county or  
24 road district.

25 **Sec. 18.** RCW 36.55.020 and 1963 c 4 s 36.55.020 are each amended  
26 to read as follows:

27 Any board of county commissioners may grant to any person the right  
28 to build and maintain tramroads and railway roads upon county roads  
29 under such regulations and conditions as the board may prescribe, and  
30 may grant to any person the right to build and maintain cattleguards  
31 across the entire right of way on any county road, under such  
32 regulations and conditions as the board may prescribe: PROVIDED, That  
33 such tramroad or railway road shall not occupy more than eight feet  
34 (2.44 meters) of the county road upon which the same is built and shall  
35 not be built upon the roadway of such county road nor in such a way as  
36 to interfere with the public travel thereon.

1       **Sec. 19.** RCW 36.82.100 and 1963 c 4 s 36.82.100 are each amended  
2 to read as follows:

3       The boards of the several counties may purchase and operate, out of  
4 the county road fund, rock crushing, gravel, or other road building  
5 material extraction equipment.

6       Any crushed rock, gravel, or other road building material extracted  
7 and not directly used or needed by the county in the construction,  
8 alteration, repair, improvement, or maintenance of its roads may be  
9 sold at actual cost of production by the board to the state or any  
10 other county, city, town, or other political subdivision to be used in  
11 the construction, alteration, repair, improvement, or maintenance of  
12 any state, county, city, town or other proper highway, road or street  
13 purpose: PROVIDED, That in counties of less than twelve thousand five  
14 hundred population as determined by the 1950 federal census, the boards  
15 of commissioners, during such times as the crushing, loading or mixing  
16 equipment is actually in operation, or from stockpiles, may sell at  
17 actual cost of production such surplus crushed rock, gravel, or other  
18 road building material to any other person for private use where the  
19 place of contemplated use of such crushed rock, gravel or other road  
20 building material is more than fifteen miles (24.1 kilometers) distant  
21 from the nearest private source of such materials within the county,  
22 distance being computed by the closest traveled route: AND PROVIDED  
23 FURTHER, That the purchaser presents, at or before the time of delivery  
24 to him, a treasurer's receipt for payment for such surplus crushed  
25 rock, gravel, or any other road building material.

26       **Sec. 20.** RCW 36.85.030 and 1963 c 4 s 36.85.030 are each amended  
27 to read as follows:

28       The boards in their respective counties may accept the grant of  
29 rights-of-way for the construction of public highways over public lands  
30 of the United States, not reserved for public uses, contained in  
31 section 2477 of the Revised Statutes of the United States. Such  
32 rights-of-way shall henceforward not be less than sixty feet (18.3  
33 meters) in width unless a lesser width is specified by the United  
34 States. Acceptance shall be by resolution of the board spread upon the  
35 records of its proceedings: PROVIDED, That nothing herein contained  
36 shall be construed to invalidate the acceptance of such grant by  
37 general public use and enjoyment, heretofore or hereafter had.

1       **Sec. 21.** RCW 36.86.010 and 1963 c 4 s 36.86.010 are each amended  
2 to read as follows:

3       From and after April 1, 1937, the width of thirty feet (9.1 meters)  
4 on each side of the center line of county roads, exclusive of such  
5 additional width as may be required for cuts and fills, is the  
6 necessary and proper right-of-way width for county roads, unless the  
7 board of county commissioners, shall, in any instance, adopt and  
8 designate a different width. This shall not be construed to require  
9 the acquisition of increased right-of-way for any county road already  
10 established and the right-of-way for which has been secured.

11       **Sec. 22.** RCW 36.86.100 and 1983 c 19 s 1 are each amended to read  
12 as follows:

13       Each railroad company shall keep its right of way clear of all  
14 brush and timber in the vicinity of a railroad grade crossing with a  
15 county road for a distance of one hundred feet (30.5 meters) from the  
16 crossing in such a manner as to permit a person upon the road to obtain  
17 an unobstructed view in both directions of an approaching train. The  
18 county legislative authority shall cause brush and timber to be cleared  
19 from the right of way of county roads in the proximity of a railroad  
20 grade crossing for a distance of one hundred feet (30.5 meters) from  
21 the crossing in such a manner as to permit a person traveling upon the  
22 road to obtain an unobstructed view in both directions of an  
23 approaching train. It is unlawful to erect or maintain a sign,  
24 signboard, or billboard within a distance of one hundred feet (30.5  
25 meters) from the point of intersection of the road and railroad grade  
26 crossing located outside the corporate limits of any city or town  
27 unless, after thirty days notice to the Washington utilities and  
28 transportation commission and the railroad operating the crossing, the  
29 county legislative authority determines that it does not obscure the  
30 sight distance of a person operating a vehicle or train approaching the  
31 grade crossing.

32       When a person who has erected or who maintains such a sign,  
33 signboard, or billboard or when a railroad company permits such brush  
34 or timber in the vicinity of a railroad grade crossing with a county  
35 road or permits the surface of a grade crossing to become inconvenient  
36 or dangerous for passage and who has the duty to maintain it, fails,  
37 neglects, or refuses to remove or cause to be removed such brush,  
38 timber, sign, signboard, or billboard, or maintain the surface of the



1 crossing, the utilities and transportation commission upon complaint of  
2 the county legislative authority or upon complaint of any party  
3 interested, or upon its own motion, shall enter upon a hearing in the  
4 manner now provided for hearings with respect to railroad-highway grade  
5 crossings, and make and enforce proper orders for the removal of the  
6 brush, timber, sign, signboard or billboard, or maintenance of the  
7 crossing. Nothing in this section prevents the posting or maintaining  
8 thereon of highway or road signs or traffic devices giving directions  
9 or distances for the information of the public when the signs conform  
10 to the "Manual for Uniform Traffic Control Devices" issued by the state  
11 department of transportation. The county legislative authority shall  
12 inspect highway grade crossings and make complaint of the violation of  
13 any provisions of this section.

14       **Sec. 23.** RCW 37.08.210 and 1945 c 114 s 1 are each amended to read  
15 as follows:

16       Exclusive jurisdiction shall be, and the same is hereby ceded to  
17 the United States over and within all the territory that is now or  
18 hereafter included in that tract of land in the state of Washington,  
19 set aside for the purposes of a national park, and known as the Olympic  
20 National Park; saving, however, to the said state, the right to serve  
21 civil and criminal process within the limits of the aforesaid park, in  
22 suits or prosecutions for or on account of rights acquired, obligations  
23 incurred or crimes committed in said state, but outside of said park;  
24 and saving further to the said state the right to tax persons and  
25 corporations, their franchises and property on the lands included in  
26 said park: PROVIDED, HOWEVER, This jurisdiction shall not vest until  
27 the United States, through the proper officer, notifies the governor of  
28 this state that they assume police or military jurisdiction over said  
29 park: AND PROVIDED FURTHER, That full jurisdiction over a strip of  
30 land two hundred fifty feet (76.2 meters) wide, being one hundred  
31 twenty-five feet (38.1 meters) wide on each side of the now existing  
32 center line of primary state highway No. 9 together with existing pit  
33 sites and stockpile sites within said park shall be retained by the  
34 state of Washington.

35       **Sec. 24.** RCW 37.08.250 and 1988 c 128 s 9 are each amended to read  
36 as follows:

1       That a right-of-way of not exceeding five hundred feet (152.4  
2 meters) in width is hereby granted to the United States of America  
3 through any lands or shorelands belonging to the state of Washington,  
4 or to the University of Washington, and lying in King county between  
5 Lakes Union and Washington, or in or adjoining either of them, the  
6 southern boundary of such right-of-way on the upland to be coincident  
7 with the southern boundary of the lands now occupied by the University  
8 of Washington adjacent to the present right-of-way of said canal; the  
9 width and definite location of such right-of-way before the same is  
10 taken possession of by said United States shall be plainly and  
11 completely platted and a plat thereof approved by the secretary of war  
12 of the United States filed with the department of natural resources:  
13 PROVIDED, That nothing in this section contained shall be construed to  
14 repeal or impair any right, interest, privilege or grant expressed or  
15 intended in the act of the legislature of the state of Washington  
16 approved February 8, 1901, entitled, "An Act relative to and in aid of  
17 the construction, maintenance and operation by the United States of  
18 America of a ship canal with proper locks and appurtenances to connect  
19 the waters of Lakes Union and Washington in King county with Puget  
20 Sound and declaring an emergency."

21       **Sec. 25.** RCW 39.04.180 and 1988 c 180 s 1 are each amended to read  
22 as follows:

23       On public works projects in which trench excavation will exceed a  
24 depth of four feet (1.2 meters), any contract therefor shall require  
25 adequate safety systems for the trench excavation that meet the  
26 requirements of the Washington industrial safety and health act,  
27 chapter 49.17 RCW. This requirement shall be included in the cost  
28 estimates and bidding forms as a separate item. The costs of trench  
29 safety systems shall not be considered as incidental to any other  
30 contract item and any attempt to include the trench safety systems as  
31 an incidental cost is prohibited.

32       **Sec. 26.** RCW 39.35.030 and 1994 c 242 s 1 are each amended to read  
33 as follows:

34       For the purposes of this chapter the following words and phrases  
35 shall have the following meanings unless the context clearly requires  
36 otherwise:

1 (1) "Public agency" means every state office, officer, board,  
2 commission, committee, bureau, department, and all political  
3 subdivisions of the state.

4 (2) "Office" means the Washington state energy office.

5 (3) "Major facility" means any publicly owned or leased building  
6 having twenty-five thousand square feet (2322 square meters) or more of  
7 usable floor space.

8 (4) "Initial cost" means the moneys required for the capital  
9 construction or renovation of a major facility.

10 (5) "Renovation" means additions, alterations, or repairs within  
11 any twelve-month period which exceed fifty percent of the value of a  
12 major facility and which will affect any energy system.

13 (6) "Economic life" means the projected or anticipated useful life  
14 of a major facility as expressed by a term of years.

15 (7) "Life-cycle cost" means the initial cost and cost of operation  
16 of a major facility over its economic life. This shall be calculated  
17 as the initial cost plus the operation, maintenance, and energy costs  
18 over its economic life, reflecting anticipated increases in these costs  
19 discounted to present value at the current rate for borrowing public  
20 funds, as determined by the office of financial management. The energy  
21 cost projections used shall be those provided by the state energy  
22 office. The office shall update these projections at least every two  
23 years.

24 (8) "Life-cycle cost analysis" includes, but is not limited to, the  
25 following elements:

26 (a) The coordination and positioning of a major facility on its  
27 physical site;

28 (b) The amount and type of fenestration employed in a major  
29 facility;

30 (c) The amount of insulation incorporated into the design of a  
31 major facility;

32 (d) The variable occupancy and operating conditions of a major  
33 facility; and

34 (e) An energy-consumption analysis of a major facility.

35 (9) "Energy systems" means all utilities, including, but not  
36 limited to, heating, air-conditioning, ventilating, lighting, and the  
37 supplying of domestic hot water.

38 (10) "Energy-consumption analysis" means the evaluation of all  
39 energy systems and components by demand and type of energy including

1 the internal energy load imposed on a major facility by its occupants,  
2 equipment, and components, and the external energy load imposed on a  
3 major facility by the climatic conditions of its location. An energy-  
4 consumption analysis of the operation of energy systems of a major  
5 facility shall include, but not be limited to, the following elements:

6 (a) The comparison of three or more system alternatives, at least  
7 one of which shall include renewable energy systems;

8 (b) The simulation of each system over the entire range of  
9 operation of such facility for a year's operating period; and

10 (c) The evaluation of the energy consumption of component equipment  
11 in each system considering the operation of such components at other  
12 than full or rated outputs.

13 The energy-consumption analysis shall be prepared by a professional  
14 engineer or licensed architect who may use computers or such other  
15 methods as are capable of producing predictable results.

16 (11) "Renewable energy systems" means methods of facility design  
17 and construction and types of equipment for the utilization of  
18 renewable energy sources including, but not limited to, active or  
19 passive solar space heating or cooling, domestic solar water heating,  
20 windmills, waste heat, biomass and/or refuse-derived fuels,  
21 photovoltaic devices, and geothermal energy.

22 (12) "Cogeneration" means the sequential generation of two or more  
23 forms of energy from a common fuel or energy source. Where these forms  
24 are electricity and thermal energy, then the operating and efficiency  
25 standards established by 18 C.F.R. Sec. 292.205 and the definitions  
26 established by 18 C.F.R. 292.202 (c) through (m) as of July 28, 1991,  
27 shall apply.

28 (13) "Selected buildings" means educational, office, residential  
29 care, and correctional facilities that are designed to comply with the  
30 design standards analyzed and recommended by the office.

31 (14) "Design standards" means the heating, air-conditioning,  
32 ventilating, and renewable resource systems identified, analyzed, and  
33 recommended by the office as providing an efficient energy system or  
34 systems based on the economic life of the selected buildings.

35 **Sec. 27.** RCW 46.04.071 and 1982 c 55 s 4 are each amended to read  
36 as follows:

37 "Bicycle" means every device propelled solely by human power upon  
38 which a person or persons may ride, having two tandem wheels either of

1 which is sixteen inches (406 millimeters) or more in diameter, or three  
2 wheels, any one of which is more than twenty inches (508 millimeters)  
3 in diameter.

4 **Sec. 28.** RCW 46.04.085 and 1971 ex.s. c 231 s 2 are each amended  
5 to read as follows:

6 "Camper" means a structure designed to be mounted upon a motor  
7 vehicle which provides facilities for human habitation or for temporary  
8 outdoor or recreational lodging and which is five feet (1.5 meters) or  
9 more in overall length and five feet (1.5 meters) or more in height  
10 from its floor to its ceiling when fully extended, but shall not  
11 include motor homes as defined in RCW 46.04.305.

12 **Sec. 29.** RCW 46.04.200 and 1961 c 12 s 46.04.200 are each amended  
13 to read as follows:

14 "Hours of darkness" means the hours from one-half hour after sunset  
15 to one-half hour before sunrise, and any other time when persons or  
16 objects may not be clearly discernible at a distance of five hundred  
17 feet (152.4 meters).

18 **Sec. 30.** RCW 46.04.304 and 1990 c 250 s 18 are each amended to  
19 read as follows:

20 "Moped" means a motorized device designed to travel with not more  
21 than three sixteen-inch (406 millimeter) or larger diameter wheels in  
22 contact with the ground, having fully operative pedals for propulsion  
23 by human power, and an electric or a liquid fuel motor with a cylinder  
24 displacement not exceeding fifty cubic centimeters which produces no  
25 more than two gross brake horsepower (1491 watts) (developed by a prime  
26 mover, as measured by a brake applied to the driving shaft) that is  
27 capable of propelling the device at not more than thirty miles per hour  
28 on level ground.

29 The Washington state patrol may approve of and define as a "moped"  
30 a vehicle which fails to meet these specific criteria, but which is  
31 essentially similar in performance and application to motorized devices  
32 which do meet these specific criteria.

33 **Sec. 31.** RCW 46.04.470 and 1961 c 12 s 46.04.470 are each amended  
34 to read as follows:

1 "Residence district" means the territory contiguous to and  
2 including a public highway not comprising a business district, when the  
3 property on such public highway for a continuous distance of three  
4 hundred feet (91.4 meters) or more on either side thereof is in the  
5 main improved with residences or residences and buildings in use for  
6 business.

7 **Sec. 32.** RCW 46.04.582 and 1988 c 6 s 1 are each amended to read  
8 as follows:

9 "Tandem axle" means any two or more consecutive axles whose centers  
10 are less than seven feet (2.13 meters) apart.

11 **Sec. 33.** RCW 46.10.100 and 1971 ex.s. c 29 s 10 are each amended  
12 to read as follows:

13 It shall be lawful to drive or operate a snowmobile across public  
14 roadways and highways other than limited access highways when:

15 The crossing is made at an angle of approximately ninety degrees to  
16 the direction of the highway and at a place where no obstruction  
17 prevents a quick and safe crossing; and

18 The snowmobile is brought to a complete stop before entering the  
19 public roadway or highway; and

20 The operator of the snowmobile yields the right of way to motor  
21 vehicles using the public roadway or highway; and

22 The crossing is made at a place which is greater than one hundred  
23 feet (30 meters) from any public roadway or highway intersection.

24 **Sec. 34.** RCW 46.16.160 and 1993 c 102 s 2 are each amended to read  
25 as follows:

26 (1) The owner of a vehicle which under reciprocal relations with  
27 another jurisdiction would be required to obtain a license registration  
28 in this state or an unlicensed vehicle which would be required to  
29 obtain a license registration for operation on public highways of this  
30 state may, as an alternative to such license registration, secure and  
31 operate such vehicle under authority of a trip permit issued by this  
32 state in lieu of a Washington certificate of license registration, and  
33 licensed gross weight if applicable. The licensed gross weight may not  
34 exceed eighty thousand pounds (36 288 kilograms) for a combination of  
35 vehicles nor forty thousand pounds (18 144 kilograms) for a single unit  
36 vehicle with three or more axles. Trip permits may also be issued for

1 movement of mobile homes pursuant to RCW 46.44.170. For the purpose of  
2 this section, a vehicle is considered unlicensed if the licensed gross  
3 weight currently in effect for the vehicle or combination of vehicles  
4 is not adequate for the load being carried. Vehicles registered under  
5 RCW 46.16.135 shall not be operated under authority of trip permits in  
6 lieu of further registration within the same registration year.

7 (2) Each trip permit shall authorize the operation of a single  
8 vehicle at the maximum legal weight limit for such vehicle for a period  
9 of three consecutive days commencing with the day of first use. No  
10 more than three such permits may be used for any one vehicle in any  
11 period of thirty consecutive days. Every permit shall identify, as the  
12 department may require, the vehicle for which it is issued and shall be  
13 completed in its entirety and signed by the operator before operation  
14 of the vehicle on the public highways of this state. Correction of  
15 data on the permit such as dates, license number, or vehicle  
16 identification number invalidates the permit. The trip permit shall be  
17 displayed on the vehicle to which it is issued as prescribed by the  
18 department.

19 (3) Vehicles operating under authority of trip permits are subject  
20 to all laws, rules, and regulations affecting the operation of like  
21 vehicles in this state.

22 (4) Prorate operators operating commercial vehicles on trip permits  
23 in Washington shall retain the customer copy of such permit for four  
24 years.

25 (5) Blank trip permits may be obtained from field offices of the  
26 department of transportation, Washington state patrol, department of  
27 licensing, or other agents appointed by the department. For each  
28 permit issued, there shall be collected a filing fee as provided by RCW  
29 46.01.140, an administrative fee of eight dollars, and an excise tax of  
30 one dollar. If the filing fee amount of one dollar prescribed by RCW  
31 46.01.140 is increased or decreased after January 1, 1981, the  
32 administrative fee shall be adjusted to compensate for such change to  
33 insure that the total amount collected for the filing fee,  
34 administrative fee, and excise tax remain at ten dollars. These fees  
35 and taxes are in lieu of all other vehicle license fees and taxes. No  
36 exchange, credits, or refunds may be given for trip permits after they  
37 have been purchased.

38 (6) The department may appoint county auditors or businesses as  
39 agents for the purpose of selling trip permits to the public. County

1 auditors or businesses so appointed may retain the filing fee collected  
2 for each trip permit to defray expenses incurred in handling and  
3 selling the permits.

4 (7) A violation of or a failure to comply with any provision of  
5 this section is a gross misdemeanor.

6 (8) The department of licensing may adopt rules as it deems  
7 necessary to administer this section.

8 (9) All administrative fees and excise taxes collected under the  
9 provisions of this chapter shall be forwarded by the department with  
10 proper identifying detailed report to the state treasurer who shall  
11 deposit the administrative fees to the credit of the motor vehicle fund  
12 and the excise taxes to the credit of the general fund. Filing fees  
13 will be forwarded and reported to the state treasurer by the department  
14 as prescribed in RCW 46.01.140.

15 **Sec. 35.** RCW 46.37.020 and 1977 ex.s. c 355 s 2 are each amended  
16 to read as follows:

17 Every vehicle upon a highway within this state at any time from a  
18 half hour after sunset to a half hour before sunrise and at any other  
19 time when, due to insufficient light or unfavorable atmospheric  
20 conditions, persons and vehicles on the highway are not clearly  
21 discernible at a distance of one thousand feet (304.8 meters) ahead  
22 shall display lighted head lights, other lights, and illuminating  
23 devices as hereinafter respectively required for different classes of  
24 vehicles, subject to exceptions with respect to parked vehicles, and  
25 such stop lights, turn signals, and other signaling devices shall be  
26 lighted as prescribed for the use of such devices.

27 **Sec. 36.** RCW 46.37.050 and 1977 ex.s. c 355 s 5 are each amended  
28 to read as follows:

29 (1) After January 1, 1964, every motor vehicle, trailer,  
30 semitrailer, and pole trailer, and any other vehicle which is being  
31 drawn at the end of a combination of vehicles, shall be equipped with  
32 at least two tail lamps mounted on the rear, which, when lighted as  
33 required in RCW 46.37.020, shall emit a red light plainly visible from  
34 a distance of one thousand feet (304.8 meters) to the rear, except that  
35 passenger cars manufactured or assembled prior to January 1, 1939,  
36 shall have at least one tail lamp. On a combination of vehicles only  
37 the tail lamps on the rearmost vehicle need actually be seen from the



1 distance specified. On vehicles equipped with more than one tail lamp,  
2 the lamps shall be mounted on the same level and as widely spaced  
3 laterally as practicable.

4 (2) Every tail lamp upon every vehicle shall be located at a height  
5 of not more than seventy-two inches (1829 millimeters) nor less than  
6 fifteen inches (381 millimeters).

7 (3) Either a tail lamp or a separate lamp shall be so constructed  
8 and placed as to illuminate with a white light the rear registration  
9 plate and render it clearly legible from a distance of fifty feet (15.2  
10 meters) to the rear. Any tail lamp or tail lamps, together with any  
11 separate lamp or lamps for illuminating the rear registration plate,  
12 shall be so wired as to be lighted whenever the head lamps or auxiliary  
13 driving lamps are lighted.

14 **Sec. 37.** RCW 46.37.060 and 1977 ex.s. c 355 s 6 are each amended  
15 to read as follows:

16 (1) Every motor vehicle, trailer, semitrailer, and pole trailer  
17 shall carry on the rear, either as a part of the tail lamps or  
18 separately, two or more red reflectors meeting the requirements of this  
19 section: PROVIDED, HOWEVER, That vehicles of the types mentioned in  
20 RCW 46.37.090 shall be equipped with reflectors meeting the  
21 requirements of RCW 46.37.110 and 46.37.120.

22 (2) Every such reflector shall be mounted on the vehicle at a  
23 height not less than fifteen inches (381 millimeters) nor more than  
24 seventy-two inches (1829 millimeters) measured as set forth in RCW  
25 46.37.030(2), and shall be of such size and characteristics and so  
26 mounted as to be visible at night from all distances within six hundred  
27 feet (182.9 meters) to one hundred feet (30.5 meters) from such vehicle  
28 when directly in front of lawful upper beams of head lamps, except that  
29 reflectors on vehicles manufactured or assembled prior to January 1,  
30 1970, shall be visible at night from all distances within three hundred  
31 and fifty feet (106.7 meters) to one hundred feet (30.5 meters) when  
32 directly in front of lawful upper beams of head lamps.

33 **Sec. 38.** RCW 46.37.120 and 1977 ex.s. c 355 s 11 are each amended  
34 to read as follows:

35 (1) Every reflector upon any vehicle referred to in RCW 46.37.090  
36 shall be of such size and characteristics and so maintained as to be  
37 readily visible at nighttime from all distances within six hundred feet

1 (182.9 meters) to one hundred feet (30.5 meters) from the vehicle when  
2 directly in front of lawful lower beams of head lamps, except that the  
3 visibility for reflectors on vehicles manufactured or assembled prior  
4 to January 1, 1970, shall be measured in front of the lawful upper  
5 beams of headlamps. Reflectors required to be mounted on the sides of  
6 the vehicle shall reflect the required color of light to the sides, and  
7 those mounted on the rear shall reflect a red color to the rear.

8 (2) Front and rear clearance lamps and identification lamps shall  
9 be capable of being seen and distinguished under normal atmospheric  
10 conditions at the times lights are required at all distances between  
11 five hundred feet (152.4 meters) and fifty feet (15.2 meters) from the  
12 front and rear, respectively, of the vehicle.

13 (3) Side marker lamps shall be capable of being seen and  
14 distinguished under normal atmospheric conditions at the times lights  
15 are required at all distances between five hundred feet (152.4 meters)  
16 and fifty feet (15.2 meters) from the side of the vehicle on which  
17 mounted.

18 **Sec. 39.** RCW 46.37.140 and 1977 ex.s. c 355 s 12 are each amended  
19 to read as follows:

20 Whenever the load upon any vehicle extends to the rear four feet  
21 (1.2 meters) or more beyond the bed or body of such vehicle there shall  
22 be displayed at the extreme rear end of the load, at the times  
23 specified in RCW 46.37.020, two red lamps, visible from a distance of  
24 at least five hundred feet (152.4 meters) to the rear, two red  
25 reflectors visible at night from all distances within six hundred feet  
26 (182.9 meters) to one hundred feet (30.5 meters) to the rear when  
27 directly in front of lawful lower beams of headlamps, and located so as  
28 to indicate maximum width, and on each side one red lamp, visible from  
29 a distance of at least five hundred feet (152.4 meters) to the side,  
30 located so as to indicate maximum overhang. There shall be displayed  
31 at all other times on any vehicle having a load which extends beyond  
32 its sides or more than four feet (1.2 meters) beyond its rear, red  
33 flags, not less than twelve inches (305 millimeters) square, marking  
34 the extremities of such loads, at each point where a lamp would  
35 otherwise be required by this section, under RCW 46.37.020.

36 **Sec. 40.** RCW 46.37.150 and 1977 ex.s. c 355 s 13 are each amended  
37 to read as follows:

1 (1) Every vehicle shall be equipped with one or more lamps, which,  
2 when lighted, shall display a white or amber light visible from a  
3 distance of one thousand feet (304.8 meters) to the front of the  
4 vehicle, and a red light visible from a distance of one thousand feet  
5 (304.8 meters) to the rear of the vehicle. The location of said lamp  
6 or lamps shall always be such that at least one lamp or combination of  
7 lamps meeting the requirements of this section is installed as near as  
8 practicable to the side of the vehicle which is closest to passing  
9 traffic.

10 (2) Whenever a vehicle is lawfully parked upon a street or highway  
11 during the hours between a half hour after sunset and a half hour  
12 before sunrise and in the event there is sufficient light to reveal any  
13 person or object within a distance of one thousand feet (304.8 meters)  
14 upon such street or highway, no lights need be displayed upon such  
15 parked vehicle.

16 (3) Whenever a vehicle is parked or stopped upon a roadway or  
17 shoulder adjacent thereto, outside an incorporated city or town,  
18 whether attended or unattended, during the hours between a half hour  
19 after sunset and a half hour before sunrise and there is insufficient  
20 light to reveal any person or object within a distance of one thousand  
21 feet (304.8 meters) upon such highway, such vehicle so parked or  
22 stopped shall be equipped with and shall display lamps meeting the  
23 requirements of subsection (1) of this section.

24 (4) Any lighted head lamps upon a parked vehicle shall be depressed  
25 or dimmed.

26 **Sec. 41.** RCW 46.37.190 and 1993 c 401 s 2 are each amended to read  
27 as follows:

28 (1) Every authorized emergency vehicle shall, in addition to any  
29 other equipment and distinctive marking required by this chapter, be  
30 equipped with at least one lamp capable of displaying a red light  
31 visible from at least five hundred feet (152.4 meters) in normal  
32 sunlight and a siren capable of giving an audible signal.

33 (2) Every school bus and private carrier bus shall, in addition to  
34 any other equipment and distinctive markings required by this chapter,  
35 be equipped with a "stop" signal upon a background not less than  
36 fourteen by eighteen inches (356 by 457 millimeters) displaying the  
37 word "stop" in letters of distinctly contrasting colors not less than  
38 eight inches (203 millimeters) high, and shall further be equipped with

1 signal lamps mounted as high and as widely spaced laterally as  
2 practicable, which shall be capable of displaying to the front two  
3 alternately flashing red lights located at the same level and to the  
4 rear two alternately flashing red lights located at the same level and  
5 these lights shall have sufficient intensity to be visible at five  
6 hundred feet (152.4 meters) in normal sunlight.

7 (3) Vehicles operated by public agencies whose law enforcement  
8 duties include the authority to stop and detain motor vehicles on the  
9 public highways of the state may be equipped with a siren and lights of  
10 a color and type designated by the state patrol for that purpose. The  
11 state patrol may prohibit the use of these sirens and lights on  
12 vehicles other than the vehicles described in this subsection.

13 (4) The lights described in this section shall not be mounted nor  
14 used on any vehicle other than a school bus, a private carrier bus, or  
15 an authorized emergency or law enforcement vehicle. Optical strobe  
16 light devices shall not be installed or used on any vehicle other than  
17 an emergency vehicle authorized by the state patrol, a publicly owned  
18 law enforcement or emergency vehicle, a department of transportation,  
19 city, or county maintenance vehicle, or a public transit vehicle.

20 (a) An "optical strobe light device" used by emergency vehicles  
21 means a strobe light device which emits an optical signal at a specific  
22 frequency to a traffic control light enabling the emergency vehicle in  
23 which the strobe light device is used to obtain the right of way at  
24 intersections.

25 (b) An "optical strobe light device" used by department of  
26 transportation, city, or county maintenance vehicles means a strobe  
27 light device that emits an optical signal at a specific frequency to a  
28 traffic control light enabling the department of transportation  
29 maintenance vehicle in which the strobe light device is used to perform  
30 maintenance tests.

31 (c) An "optical strobe light device" used by public transit  
32 vehicles means a strobe light device that emits an optical signal at a  
33 specific frequency to a traffic control light enabling the public  
34 transit vehicle in which the strobe light device is used to accelerate  
35 the cycle of the traffic control light. For the purposes of this  
36 section, "public transit vehicle" means vehicles, owned by a  
37 governmental entity, with a seating capacity for twenty-five or more  
38 persons and used to provide mass transportation. Public transit  
39 vehicles operating an optical strobe light will have second degree

1 priority to emergency vehicles when simultaneously approaching the same  
2 traffic control light.

3 (5) The use of the signal equipment described herein, except the  
4 optical strobe light devices used by public transit vehicles and  
5 department of transportation, city, or county maintenance vehicles that  
6 are not used in conjunction with emergency equipment, shall impose upon  
7 drivers of other vehicles the obligation to yield right of way and stop  
8 as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

9 **Sec. 42.** RCW 46.37.215 and 1977 ex.s. c 355 s 19 are each amended  
10 to read as follows:

11 (1) Any vehicle may be equipped with lamps for the purpose of  
12 warning other operators of other vehicles of the presence of a  
13 vehicular traffic hazard requiring the exercise of unusual care in  
14 approaching, overtaking, or passing.

15 (2) After June 1, 1978, every motor home, bus, truck, truck  
16 tractor, trailer, semitrailer, or pole trailer eighty inches (2032  
17 millimeters) or more in overall width or thirty feet (9.1 meters) or  
18 more in overall length shall be equipped with lamps meeting the  
19 requirements of this section.

20 (3) Vehicular hazard warning signal lamps used to display such  
21 warning to the front shall be mounted at the same level and as widely  
22 spaced laterally as practicable, and shall display simultaneously  
23 flashing amber light: PROVIDED, That on any vehicle manufactured prior  
24 to January 1, 1969, the lamps showing to the front may display  
25 simultaneously flashing white or amber lights, or any shade of color  
26 between white and amber. The lamps used to display such warning to the  
27 rear shall be mounted at the same level and as widely spaced laterally  
28 as practicable, and shall show simultaneously flashing amber or red  
29 lights, or any shade of color between amber and red. These warning  
30 lights shall be visible from a distance of not less than five hundred  
31 feet (152.4 meters) in normal sunlight.

32 **Sec. 43.** RCW 46.37.440 and 1987 c 330 s 724 are each amended to  
33 read as follows:

34 (1) No person may operate any motor truck, passenger bus, truck  
35 tractor, motor home, or travel trailer over eighty inches (2032  
36 millimeters) in overall width upon any highway outside the corporate  
37 limits of municipalities at any time unless there is carried in such

1 vehicle the following equipment except as provided in subsection (2) of  
2 this section:

3 (a) At least three flares or three red electric lanterns or three  
4 portable red emergency reflectors, each of which shall be capable of  
5 being seen and distinguished at a distance of not less than six hundred  
6 feet (182.9 meters) under normal atmospheric conditions at nighttime.

7 No flare, fusee, electric lantern, or cloth warning flag may be  
8 used for the purpose of compliance with this section unless such  
9 equipment is of a type which has been submitted to the state patrol and  
10 conforms to rules adopted by it. No portable reflector unit may be  
11 used for the purpose of compliance with the requirements of this  
12 section unless it is so designed and constructed as to be capable of  
13 reflecting red light clearly visible from all distances within six  
14 hundred feet (182.9 meters) to one hundred feet (30.5 meters) under  
15 normal atmospheric conditions at night when directly in front of lawful  
16 upper beams of head lamps, and unless it is of a type which has been  
17 submitted to the state patrol and conforms to rules adopted by it;

18 (b) At least three red-burning fusees unless red electric lanterns  
19 or red portable emergency reflectors are carried;

20 (c) At least two red-cloth flags, not less than twelve inches (305  
21 millimeters) square, with standards to support such flags.

22 (2) No person may operate at the time and under conditions stated  
23 in subsection (1) of this section any motor vehicle used for the  
24 transportation of explosives, any cargo tank truck used for the  
25 transportation of flammable liquids or compressed gases or liquefied  
26 gases, or any motor vehicle using compressed gas as a fuel unless there  
27 is carried in such vehicle three red electric lanterns or three  
28 portable red emergency reflectors meeting the requirements of  
29 subsection (1) of this section, and there shall not be carried in any  
30 said vehicle any flares, fusees, or signal produced by flame.

31 **Sec. 44.** RCW 46.37.460 and 1961 c 12 s 46.37.460 are each amended  
32 to read as follows:

33 Any person operating any vehicle transporting any explosive as a  
34 cargo or part of a cargo upon a highway shall at all times comply with  
35 the provisions of this section.

36 (1) Said vehicle shall be marked or placarded on each side and the  
37 rear with the word "Explosives" in letters not less than eight inches  
38 (203 millimeters) high, or there shall be displayed on the rear of such

1 vehicle a red flag not less than twenty-four inches (610 millimeters)  
2 square marked with the word "danger" in white letters six inches (152  
3 millimeters) high.

4 (2) Every said vehicle shall be equipped with not less than two  
5 fire extinguishers, filled and ready for immediate use, and placed at  
6 a convenient point on the vehicle so used.

7 **Sec. 45.** RCW 46.44.020 and 1984 c 7 s 52 are each amended to read  
8 as follows:

9 It is unlawful for any vehicle unladen or with load to exceed a  
10 height of fourteen feet (4.26 meters) above the level surface upon  
11 which the vehicle stands. This height limitation does not apply to  
12 authorized emergency vehicles or repair equipment of a public utility  
13 engaged in reasonably necessary operation. The provisions of this  
14 section do not relieve the owner or operator of a vehicle or  
15 combination of vehicles from the exercise of due care in determining  
16 that sufficient vertical clearance is provided upon the public highways  
17 where the vehicle or combination of vehicles is being operated; and no  
18 liability may attach to the state or to any county, city, town, or  
19 other political subdivision by reason of any damage or injury to  
20 persons or property by reason of the existence of any structure over or  
21 across any public highway where the vertical clearance above the  
22 roadway is fourteen feet (4.26 meters) or more; or, where the vertical  
23 clearance is less than fourteen feet (4.26 meters), if impaired  
24 clearance signs of a design approved by the state department of  
25 transportation are erected and maintained on the right side of any such  
26 public highway in accordance with the manual of uniform traffic control  
27 devices for streets and highways as adopted by the state department of  
28 transportation under chapter 47.36 RCW. If any structure over or  
29 across any public highway is not owned by the state or by a county,  
30 city, town, or other political subdivision, it is the duty of the owner  
31 thereof when billed therefor to reimburse the state department of  
32 transportation or the county, city, town, or other political  
33 subdivision having jurisdiction over the highway for the actual cost of  
34 erecting and maintaining the impaired clearance signs, but no liability  
35 may attach to the owner by reason of any damage or injury to persons or  
36 property caused by impaired vertical clearance above the roadway.

1       **Sec. 46.** RCW 46.44.030 and 1995 c 26 s 1 are each amended to read  
2 as follows:

3       It is unlawful for any person to operate upon the public highways  
4 of this state any vehicle having an overall length, with or without  
5 load, in excess of forty feet (12.2 meters). This restriction does not  
6 apply to (1) a municipal transit vehicle, (2) auto stage, private  
7 carrier bus or school bus with an overall length not to exceed forty-  
8 six feet (14.0 meters), or (3) an articulated auto stage with an  
9 overall length not to exceed sixty-one feet (18.6 meters).

10       It is unlawful for any person to operate upon the public highways  
11 of this state any combination consisting of a tractor and semitrailer  
12 that has a semitrailer length in excess of fifty-three feet (16.2  
13 meters) or a combination consisting of a tractor and two trailers in  
14 which the combined length of the trailers exceeds sixty-one feet (18.6  
15 meters), with or without load.

16       It is unlawful for any person to operate on the highways of this  
17 state any combination consisting of a truck and trailer, or log truck  
18 and stinger-steered pole trailer, with an overall length, with or  
19 without load, in excess of seventy-five feet (22.9 meters). However,  
20 a combination of vehicles transporting automobiles or boats may have a  
21 front overhang of three feet (0.9 meter) and a rear overhang of four  
22 feet (1.2 meters) beyond this allowed length. "Stinger-steered," as  
23 used in this section, means the coupling device is located behind the  
24 tread of the tires of the last axle of the towing vehicle.

25       These length limitations do not apply to vehicles transporting  
26 poles, pipe, machinery, or other objects of a structural nature that  
27 cannot be dismembered and operated by a public utility when required  
28 for emergency repair of public service facilities or properties, but in  
29 respect to night transportation every such vehicle and load thereon  
30 shall be equipped with a sufficient number of clearance lamps on both  
31 sides and marker lamps upon the extreme ends of any projecting load to  
32 clearly mark the dimensions of the load.

33       The length limitations described in this section are exclusive of  
34 safety and energy conservation devices, such as mud flaps and splash  
35 and spray suppressant devices, refrigeration units or air compressors,  
36 and other devices that the department determines to be necessary for  
37 safe and efficient operation of commercial vehicles. No device  
38 excluded under this paragraph from the limitations of this section may  
39 have, by its design or use, the capability to carry cargo.



1       **Sec. 47.** RCW 46.44.037 and 1991 c 143 s 2 are each amended to read  
2 as follows:

3       Notwithstanding the provisions of RCW 46.44.036 and subject to such  
4 rules and regulations governing their operation as may be adopted by  
5 the state department of transportation, operation of the following  
6 combinations is lawful:

7       (1) A combination consisting of a truck tractor, a semitrailer, and  
8 another semitrailer or a full trailer. In this combination a converter  
9 gear used to convert a semitrailer into a full trailer shall be  
10 considered to be a part of the full trailer and not a separate vehicle.  
11 A converter gear being pulled without load and not used to convert a  
12 semitrailer into a full trailer may be substituted in lieu of a full  
13 trailer or a semitrailer in any lawful combination;

14       (2) A combination not exceeding seventy-five feet (22.9 meters) in  
15 overall length consisting of four trucks or truck tractors used in  
16 driveaway service where three of the vehicles are towed by the fourth  
17 in triple saddlemount position;

18       (3) A combination consisting of a truck tractor carrying a freight  
19 compartment no longer than eight feet (2.4 meters), a semitrailer, and  
20 another semitrailer or full trailer that meets the legal length  
21 requirement for a truck and trailer combination set forth in RCW  
22 46.44.030.

23       **Sec. 48.** RCW 46.44.042 and 1993 c 103 s 1 are each amended to read  
24 as follows:

25       Subject to the maximum gross weights specified in RCW 46.44.041, it  
26 is unlawful to operate any vehicle upon the public highways with a  
27 gross weight, including load, upon any tire concentrated upon the  
28 surface of the highway in excess of six hundred pounds per inch (10.7  
29 kilograms per millimeter) width of such tire. Other than the  
30 nonliftable steering axle on the power unit or tiller axle on fire  
31 fighting apparatus, an axle manufactured after July 31, 1993, carrying  
32 more than ten thousand pounds (4540 kilograms) gross weight must be  
33 equipped with four or more tires. Effective January 1, 1997, an axle,  
34 excluding the nonliftable steering axle on the power unit or tiller  
35 axle on fire fighting apparatus, carrying more than ten thousand pounds  
36 (4540 kilograms) gross weight must have four or more tires, regardless  
37 of date of manufacture. Instead of the four or more tires per axle  
38 requirements of this section: (1) An axle may be equipped with two

1 tires limited to five hundred pounds per inch (8.9 kilograms per  
2 millimeter) width of tire; or (2) in the case of a ready-mix concrete  
3 transit truck, the rear booster trailing axle may be equipped with two  
4 tires limited to six hundred pounds per inch (10.7 kilograms per  
5 millimeter) width of tire. This section does not apply to oversize and  
6 overweight permits issued under RCW 46.44.090. For the purpose of this  
7 section, the width of tire in case of solid rubber or hollow center  
8 cushion tires, so long as the use thereof may be permitted by the law,  
9 shall be measured between the flanges of the rim. For the purpose of  
10 this section, the width of tires in case of pneumatic tires shall be  
11 the maximum overall normal inflated width as stipulated by the  
12 manufacturer when inflated to the pressure specified and without load  
13 thereon.

14 The department of transportation, under rules adopted by the  
15 transportation commission with respect to state highways, and a local  
16 authority, with respect to a public highway under its jurisdiction, may  
17 extend the weight table in RCW 46.44.041 to one hundred fifteen  
18 thousand pounds (52 164 kilograms). However, the extension must be in  
19 compliance with federal law, and vehicles operating under the extension  
20 must be in full compliance with the 1997 axle and tire requirements  
21 under this section.

22 **Sec. 49.** RCW 46.44.047 and 1994 c 172 s 1 are each amended to read  
23 as follows:

24 A three-axle truck tractor and a two-axle pole trailer combination  
25 engaged in the operation of hauling logs may exceed by not more than  
26 six thousand eight hundred pounds (3084 kilograms) the legal gross  
27 weight of the combination of vehicles when licensed, as permitted by  
28 law, for sixty-eight thousand pounds (30 844 kilograms): PROVIDED,  
29 That the distance between the first and last axle of the vehicles in  
30 combination shall have a total wheelbase of not less than thirty-seven  
31 feet (11.28 meters), and the weight upon two axles spaced less than  
32 seven feet (2.13 meters) apart shall not exceed thirty-three thousand  
33 six hundred pounds (15 240 kilograms).

34 Such additional allowances shall be permitted by a special permit  
35 to be issued by the department of transportation valid only on state  
36 primary or secondary highways authorized by the department and under  
37 such rules, regulations, terms, and conditions prescribed by the  
38 department. The fee for such special permit shall be fifty dollars for

1 a twelve-month period beginning and ending on April 1st of each  
2 calendar year. Permits may be issued at any time, but if issued after  
3 July 1st of any year the fee shall be thirty-seven dollars and fifty  
4 cents. If issued on or after October 1st the fee shall be twenty-five  
5 dollars, and if issued on or after January 1st the fee shall be twelve  
6 dollars and fifty cents. A copy of such special permit covering the  
7 vehicle involved shall be carried in the cab of the vehicle at all  
8 times. Upon the third offense within the duration of the permit for  
9 violation of the terms and conditions of the special permit, the  
10 special permit shall be canceled. The vehicle covered by such canceled  
11 special permit shall not be eligible for a new special permit until  
12 thirty days after the cancellation of the special permit issued to said  
13 vehicle. The fee for such renewal shall be at the same rate as set  
14 forth in this section which covers the original issuance of such  
15 special permit. Each special permit shall be assigned to a three-axle  
16 truck tractor in combination with a two-axle pole trailer. When the  
17 department issues a duplicate permit to replace a lost or destroyed  
18 permit and where the department transfers a permit, a fee of fourteen  
19 dollars shall be charged for each such duplicate issued or each such  
20 transfer.

21 All fees collected hereinabove shall be deposited with the state  
22 treasurer and credited to the motor vehicle fund.

23 Permits involving city streets or county roads or using city  
24 streets or county roads to reach or leave state highways, authorized  
25 for permit by the department may be issued by the city or county or  
26 counties involved. A fee of five dollars for such city or county  
27 permit may be assessed by the city or by the county legislative  
28 authority which shall be deposited in the city or county road fund.  
29 The special permit provided for herein shall be known as a "log  
30 tolerance permit" and shall designate the route or routes to be used,  
31 which shall first be approved by the city or county engineer involved.  
32 Authorization of additional route or routes may be made at the  
33 discretion of the city or county by amending the original permit or by  
34 issuing a new permit. Said permits shall be issued on a yearly basis  
35 expiring on March 31st of each calendar year. Any person, firm, or  
36 corporation who uses any city street or county road for the purpose of  
37 transporting logs with weights authorized by state highway log  
38 tolerance permits, to reach or leave a state highway route, without  
39 first obtaining a city or county permit when required by the city or

1 the county legislative authority shall be subject to the penalties  
2 prescribed by RCW 46.44.105. For the purpose of determining gross  
3 weight the actual scale weight taken by the officer shall be prima  
4 facie evidence of such total gross weight. In the event the gross  
5 weight is in excess of the weight permitted by law, the officer may,  
6 within his discretion, permit the operator to proceed with his vehicles  
7 in combination.

8 The chief of the state patrol, with the advice of the department,  
9 may make reasonable rules and regulations to aid in the enforcement of  
10 the provisions of this section.

11 **Sec. 50.** RCW 46.44.050 and 1979 ex.s. c 213 s 7 are each amended  
12 to read as follows:

13 It shall be unlawful to operate any vehicle upon public highways  
14 with a wheelbase between any two axles thereof of less than three feet,  
15 six inches (1.07 meters) when weight exceeds that allowed for one axle  
16 under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any  
17 motor vehicle upon the public highways of this state with a wheelbase  
18 between the frontmost axle and the rearmost axle of less than three  
19 feet, six inches (1.07 meters): PROVIDED, That the minimum wheelbase  
20 for mopeds is thirty-eight inches (965 millimeters).

21 For the purposes of this section, wheelbase shall be measured upon  
22 a straight line from center to center of the vehicle axles designated.

23 **Sec. 51.** RCW 46.44.070 and 1961 c 12 s 46.44.070 are each amended  
24 to read as follows:

25 The drawbar or other connection between vehicles in combination  
26 shall be of sufficient strength to hold the weight of the towed vehicle  
27 on any grade where operated. No trailer shall whip, weave or oscillate  
28 or fail to follow substantially in the course of the towing vehicle.  
29 When a disabled vehicle is being towed by means of bar, chain, rope,  
30 cable or similar means and the distance between the towed vehicle and  
31 the towing vehicle exceeds fifteen feet (4.6 meters) there shall be  
32 fastened on such connection in approximately the center thereof a white  
33 flag or cloth not less than twelve inches square (305 millimeters  
34 square).

35 **Sec. 52.** RCW 46.44.091 and 1989 c 52 s 1 are each amended to read  
36 as follows:

1 (1) Except as otherwise provided in subsections (3) and (4) of this  
2 section, no special permit shall be issued for movement on any state  
3 highway or route of a state highway within the limits of any city or  
4 town where the gross weight, including load, exceeds the following  
5 limits:

6 (a) Twenty-two thousand pounds (9980 kilograms) on a single axle or  
7 on dual axles with a wheelbase between the first and second axles of  
8 less than three feet six inches (1.07 meters);

9 (b) Forty-three thousand pounds (19 504 kilograms) on dual axles  
10 having a wheelbase between the first and second axles of not less than  
11 three feet six inches (1.07 meters) but less than seven feet (2.13  
12 meters);

13 (c) On any group of axles or in the case of a vehicle employing two  
14 single axles with a wheel base between the first and last axle of not  
15 less than seven feet (2.13 meters) but less than ten feet (3.05  
16 meters), a weight in pounds determined by multiplying six thousand five  
17 hundred times the distance in feet (see (f) for metric conversion)  
18 between the center of the first axle and the center of the last axle of  
19 the group;

20 (d) On any group of axles with a wheel base between the first and  
21 last axle of not less than ten feet (3.05 meters) but less than thirty  
22 feet (9.14 meters), a weight in pounds (see (f) for metric conversion)  
23 determined by multiplying two thousand two hundred times the sum of  
24 twenty and the distance in feet (see (f) for metric conversion) between  
25 the center of the first axle and the center of the last axle of the  
26 group;

27 (e) On any group of axles with a wheel base between the first and  
28 last axle of thirty feet (9.14 meters) or greater, a weight in pounds  
29 (see (f) for metric conversion) determined by multiplying one thousand  
30 six hundred times the sum of forty and the distance in feet (see (f)  
31 for metric conversion) between the center of the first axle and the  
32 center of the last axle of the group.

33 (f) The formulas provided in (c), (d), and (e) of this subsection  
34 require English units for computation. To convert metric units to  
35 English for use in the formulas, or to convert the formula results from  
36 English to metric, use the following conversion criteria: One pound  
37 equals 0.4536 of a kilogram; one foot equals 0.3048 of a meter; one  
38 inch equals 25.4 millimeters. When converting mixed size or weight  
39 units, e.g. feet and inches, to the metric equivalent, reduce the

1 measurement to the smaller unit before converting to metric and  
2 rounding. Metric weight measurements should be rounded to the nearest  
3 whole kilogram divisible by ten, metric dimensions should be rounded to  
4 the nearest one-hundredth of a meter.

5 (2) The total weight of a vehicle or combination of vehicles  
6 allowable by special permit under subsection (1) of this section shall  
7 be governed by the lesser of the weights obtained by using the total  
8 number of axles as a group or any combination of axles as a group.

9 (3) The weight limitations pertaining to single axles may be  
10 exceeded to permit the movement of equipment operating upon single  
11 pneumatic tires having a rim width of twenty inches (508 millimeters)  
12 or more and a rim diameter of twenty-four inches (610 millimeters) or  
13 more or dual pneumatic tires having a rim width of sixteen inches (406  
14 millimeters) or more and a rim diameter of twenty-four inches (610  
15 millimeters) or more and specially designed vehicles manufactured and  
16 certified for special permits prior to July 1, 1975.

17 (4) Permits may be issued for weights in excess of the limitations  
18 contained in subsection (1) of this section on highways or sections of  
19 highways which have been designed and constructed for weights in excess  
20 of such limitations, or for any shipment duly certified as necessary by  
21 military officials, or by officials of public or private power  
22 facilities, or when in the opinion of the department of transportation  
23 the movement or action is a necessary movement or action: PROVIDED,  
24 That in the judgment of the department of transportation the structures  
25 and highway surfaces on the routes involved are capable of sustaining  
26 weights in excess of such limitations and it is not reasonable for  
27 economic or operational considerations to transport such excess weights  
28 by rail or water for any substantial distance of the total mileage  
29 (kilometers) applied for.

30 (5) Permits may be issued for the operation of fire trucks on the  
31 public highways if the maximum gross weight on any single axle does not  
32 exceed twenty-four thousand pounds (10 886 kilograms) and the gross  
33 weight on any tandem axle does not exceed forty-three thousand pounds  
34 (19 504 kilograms).

35 (6) Application shall be made in writing on special forms provided  
36 by the department of transportation and shall be submitted at least  
37 thirty-six hours in advance of the proposed movement. An application  
38 for a special permit for a gross weight of any combination of vehicles  
39 exceeding two hundred thousand pounds (90 720 kilograms) shall be

1 submitted in writing to the department of transportation at least  
2 thirty days in advance of the proposed movement.

3 **Sec. 53.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read  
4 as follows:

5 Special permits may not be issued for movements on any state  
6 highway outside the limits of any city or town in excess of the  
7 following widths:

8 On two-lane highways, fourteen feet (4.27 meters);

9 On multiple-lane highways where a physical barrier serving as a  
10 median divider separates opposing traffic lanes, twenty feet (6.1  
11 meters);'

12 On multiple-lane highways without a physical barrier serving as a  
13 median divider, thirty-two feet (9.75 meters).

14 These limits apply except under the following conditions:

15 (1) In the case of buildings, the limitations referred to in this  
16 section for movement on any two lane state highway other than the  
17 national system of interstate and defense highways may be exceeded  
18 under the following conditions: (a) Controlled vehicular traffic shall  
19 be maintained in one direction at all times; (b) the maximum distance  
20 of movement shall not exceed five miles (8 kilometers); additional  
21 contiguous permits shall not be issued to exceed the five-mile (8  
22 kilometer) limit: PROVIDED, That when the department of  
23 transportation, pursuant to general rules adopted by the transportation  
24 commission, determines a hardship would result, this limitation may be  
25 exceeded upon approval of the department of transportation; (c) prior  
26 to issuing a permit a qualified transportation department employee  
27 shall make a visual inspection of the building and route involved  
28 determining that the conditions listed herein shall be complied with  
29 and that structures or overhead obstructions may be cleared or moved in  
30 order to maintain a constant and uninterrupted movement of the  
31 building; (d) special escort or other precautions may be imposed to  
32 assure movement is made under the safest possible conditions, and the  
33 Washington state patrol shall be advised when and where the movement is  
34 to be made;

35 (2) Permits may be issued for widths of vehicles in excess of the  
36 preceding limitations on highways or sections of highways which have  
37 been designed and constructed for width in excess of such limitations;

1 (3) Permits may be issued for vehicles with a total outside width,  
2 including the load, of nine feet (2.74 meters) or less when the vehicle  
3 is equipped with a mechanism designed to cover the load pursuant to RCW  
4 46.61.655;

5 (4) These limitations may be rescinded when certification is made  
6 by military officials, or by officials of public or private power  
7 facilities, or when in the opinion of the department of transportation  
8 the movement or action is a necessary movement or action: PROVIDED  
9 FURTHER, That in the judgment of the department of transportation the  
10 structures and highway surfaces on the routes involved are capable of  
11 sustaining widths in excess of such limitation;

12 (5) These limitations shall not apply to movement during daylight  
13 hours on any two\_lane state highway where the gross weight, including  
14 load, does not exceed eighty thousand pounds (36 288 kilograms) and the  
15 overall width of load does not exceed sixteen feet (4.88 meters):  
16 PROVIDED, That the minimum and maximum speed of such movements,  
17 prescribed routes of such movements, the times of such movements,  
18 limitation upon frequency of trips (which limitation shall be not less  
19 than one per week), and conditions to assure safety of traffic may be  
20 prescribed by the department of transportation or local authority  
21 issuing such special permit.

22 The applicant for any special permit shall specifically describe  
23 the vehicle or vehicles and load to be operated or moved and the  
24 particular state highways for which permit to operate is requested and  
25 whether such permit is requested for a single trip or for continuous  
26 operation.

27 **Sec. 54.** RCW 46.44.105 and 1993 c 403 s 4 are each amended to read  
28 as follows:

29 (1) Violation of any of the provisions of RCW 46.44.041, 46.44.042,  
30 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a  
31 permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation  
32 of the size or weight of any load or failure to follow the requirements  
33 and conditions of a permit issued hereunder is a traffic infraction,  
34 and upon the first finding thereof shall be assessed a basic penalty of  
35 not less than fifty dollars; and upon a second finding thereof shall be  
36 assessed a basic penalty of not less than seventy-five dollars; and  
37 upon a third or subsequent finding shall be assessed a basic penalty of  
38 not less than one hundred dollars.



1 (2) In addition to the penalties imposed in subsection (1) of this  
2 section, any person violating RCW 46.44.041, 46.44.042, 46.44.047,  
3 46.44.090, 46.44.091, or 46.44.095 shall be assessed three cents for  
4 each pound (6.61 cents for each kilogram) of excess weight. Upon a  
5 first violation in any calendar year, the court may suspend the penalty  
6 for five hundred pounds (226.8 kilograms) of excess weight for each  
7 axle on any vehicle or combination of vehicles, not to exceed a two  
8 thousand pound (907.2 kilogram) suspension. In no case may the basic  
9 penalty assessed in subsection (1) of this section be suspended.

10 (3) Whenever any vehicle or combination of vehicles is involved in  
11 two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090,  
12 46.44.091, or 46.44.095 during any twelve-month period, the court may  
13 suspend the certificate of license registration of the vehicle or  
14 combination of vehicles for not less than thirty days. Upon a third or  
15 succeeding violation in any twelve-month period, the court shall  
16 suspend the certificate of license registration for not less than  
17 thirty days. Whenever the certificate of license registration is  
18 suspended, the court shall secure such certificate and immediately  
19 forward the same to the director with information concerning the  
20 suspension.

21 (4) Any person found to have violated any posted limitations of a  
22 highway or section of highway shall be assessed a monetary penalty of  
23 not less than one hundred and fifty dollars, and the court shall in  
24 addition thereto upon second violation within a twelve-month period  
25 involving the same power unit, suspend the certificate of license  
26 registration for not less than thirty days.

27 (5) It is unlawful for the driver of a vehicle to fail or refuse to  
28 stop and submit the vehicle and load to a weighing, or to fail or  
29 refuse, when directed by an officer upon a weighing of the vehicle to  
30 stop the vehicle and otherwise comply with the provisions of this  
31 section. It is unlawful for a driver of a commercial motor vehicle as  
32 defined in RCW 46.32.005, other than the driver of a bus as defined in  
33 RCW 46.32.005(2), to fail or refuse to stop at a weighing station when  
34 proper traffic control signs indicate scales are open.

35 Any police officer is authorized to require the driver of any  
36 vehicle or combination of vehicles to stop and submit to a weighing  
37 either by means of a portable or stationary scale and may require that  
38 the vehicle be driven to the nearest public scale. Whenever a police  
39 officer, upon weighing a vehicle and load, determines that the weight

1 is unlawful, the officer may require the driver to stop the vehicle in  
2 a suitable location and remain standing until such portion of the load  
3 is removed as may be necessary to reduce the gross weight of the  
4 vehicle to the limit permitted by law. If the vehicle is loaded with  
5 grain or other perishable commodities, the driver shall be permitted to  
6 proceed without removing any of the load, unless the gross weight of  
7 the vehicle and load exceeds by more than ten percent the limit  
8 permitted by this chapter. The owner or operator of the vehicle shall  
9 care for all materials unloaded at the risk of the owner or operator.

10 Any vehicle whose driver or owner represents that the vehicle is  
11 disabled or otherwise unable to proceed to a weighing location shall  
12 have its load sealed or otherwise marked by any police officer. The  
13 owner or driver shall be directed that upon completion of repairs, the  
14 vehicle shall submit to weighing with the load and markings and/or seal  
15 intact and undisturbed. Failure to report for weighing, appearing for  
16 weighing with the seal broken or the markings disturbed, or removal of  
17 any cargo prior to weighing is unlawful. Any person so convicted shall  
18 be fined five hundred dollars, and in addition the certificate of  
19 license registration shall be suspended for not less than thirty days.

20 (6) Any other provision of law to the contrary notwithstanding,  
21 district courts having venue have concurrent jurisdiction with the  
22 superior courts for the imposition of any penalties authorized under  
23 this section.

24 (7) For the purpose of determining additional penalties as provided  
25 by subsection (2) of this section, "excess weight" means the poundage  
26 (kilograms) in excess of the maximum gross weight prescribed by RCW  
27 46.44.041 and 46.44.042 plus the weights allowed by RCW 46.44.047,  
28 46.44.091, and 46.44.095.

29 (8) The penalties provided in subsections (1) and (2) of this  
30 section shall be remitted as provided in chapter 3.62 RCW or RCW  
31 10.82.070. For the purpose of computing the basic penalties and  
32 additional penalties to be imposed under the provisions of subsections  
33 (1) and (2) of this section the convictions shall be on the same  
34 vehicle or combination of vehicles within a twelve-month period under  
35 the same ownership.

36 (9) Any state patrol officer or any weight control officer who  
37 finds any person operating a vehicle or a combination of vehicles in  
38 violation of the conditions of a permit issued under RCW 46.44.047,  
39 46.44.090, and 46.44.095 may confiscate the permit and forward it to

1 the state department of transportation which may return it to the  
2 permittee or revoke, cancel, or suspend it without refund. The  
3 department of transportation shall keep a record of all action taken  
4 upon permits so confiscated, and if a permit is returned to the  
5 permittee the action taken by the department of transportation shall be  
6 endorsed thereon. Any permittee whose permit is suspended or revoked  
7 may upon request receive a hearing before the department of  
8 transportation or person designated by that department. After the  
9 hearing the department of transportation may reinstate any permit or  
10 revise its previous action.

11 Every permit issued as provided for in this chapter shall be  
12 carried in the vehicle or combination of vehicles to which it refers  
13 and shall be open to inspection by any law enforcement officer or  
14 authorized agent of any authority granting such a permit.

15 Upon the third finding within a calendar year of a violation of the  
16 requirements and conditions of a permit issued under RCW 46.44.095 as  
17 now or hereafter amended, the permit shall be canceled, and the  
18 canceled permit shall be immediately transmitted by the court or the  
19 arresting officer to the department of transportation. The vehicle  
20 covered by the canceled permit is not eligible for a new permit for a  
21 period of thirty days.

22 (10) For the purposes of determining gross weights the actual scale  
23 weight taken by the arresting officer is prima facie evidence of the  
24 total gross weight.

25 (11) It is a traffic infraction to direct the loading of a vehicle  
26 with knowledge that it violates the requirements in RCW 46.44.041,  
27 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is  
28 to be operated on the public highways of this state.

29 (12) The chief of the state patrol, with the advice of the  
30 department, may adopt reasonable rules to aid in the enforcement of  
31 this section.

32 **Sec. 55.** RCW 46.44.130 and 1979 ex.s. c 136 s 76 are each amended  
33 to read as follows:

34 The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and  
35 46.44.041 shall not apply to the movement of farm implements of less  
36 than forty-five thousand pounds (20 410 kilograms) gross weight, a  
37 total length of seventy feet (21.34 meters) or less, and a total  
38 outside width of fourteen feet (4.26 meters) or less when being moved

1 while patrolled, flagged, lighted, signed, and at a time of day in  
2 accordance with rules hereby authorized to be adopted by the department  
3 of transportation and the statutes. Violation of a rule adopted by the  
4 department as authorized by this section or a term of this section is  
5 a traffic infraction.

6 **Sec. 56.** RCW 46.44.140 and 1984 c 7 s 60 are each amended to read  
7 as follows:

8 In addition to any other special permits authorized by law, special  
9 permits may be issued by the department of transportation for a  
10 quarterly or annual period upon such terms and conditions as it finds  
11 proper for the movement of (1) farm implements used for the cutting or  
12 threshing of mature crops; or (2) other farm implements that may be  
13 identified by rule of the department of transportation. Any farm  
14 implement moved under this section must have a gross weight less than  
15 forty-five thousand pounds (20 410 kilograms) and a total outside width  
16 of less than twenty feet (6.1 meters) while being moved, and such  
17 movement must be patrolled, flagged, lighted, signed, at a time of day,  
18 and otherwise in accordance with rules hereby authorized to be adopted  
19 by the department of transportation for the control of such movements.

20 Applications for and permits issued under this section shall  
21 provide for a description of the farm implements to be moved, the  
22 approximate dates of movement, and the routes of movement so far as  
23 they are reasonably known to the applicant at the time of application,  
24 but the permit shall not be limited to these circumstances but shall be  
25 general in its application except as limited by the statutes and rules  
26 adopted by the department of transportation.

27 A copy of the governing permit shall be carried on the farm  
28 implement being moved during the period of its movement. The  
29 department shall collect a fee as provided in RCW 46.44.0941.

30 Violation of a term or condition under which a permit was issued,  
31 of a rule adopted by the department of transportation as authorized by  
32 this section, or of a term of this section is a traffic infraction.

33 **Sec. 57.** RCW 46.61.120 and 1965 ex.s. c 155 s 19 are each amended  
34 to read as follows:

35 No vehicle shall be driven to the left side of the center of the  
36 roadway in overtaking and passing another vehicle proceeding in the  
37 same direction unless authorized by the provisions of RCW 46.61.100

1 through 46.61.160 and unless such left side is clearly visible and is  
2 free of oncoming traffic for a sufficient distance ahead to permit such  
3 overtaking and passing to be completely made without interfering with  
4 the operation of any vehicle approaching from the opposite direction or  
5 any vehicle overtaken. In every event the overtaking vehicle must  
6 return to an authorized lane of travel as soon as practicable and in  
7 the event the passing movement involves the use of a lane authorized  
8 for vehicles approaching from the opposite direction, before coming  
9 within two hundred feet (61 meters) of any approaching vehicle.

10 **Sec. 58.** RCW 46.61.125 and 1972 ex.s. c 33 s 2 are each amended to  
11 read as follows:

12 (1) No vehicle shall be driven on the left side of the roadway  
13 under the following conditions:

14 (a) When approaching or upon the crest of a grade or a curve in the  
15 highway where the driver's view is obstructed within such distance as  
16 to create a hazard in the event another vehicle might approach from the  
17 opposite direction;

18 (b) When approaching within one hundred feet (30.5 meters) of or  
19 traversing any intersection or railroad grade crossing;

20 (c) When the view is obstructed upon approaching within one hundred  
21 feet (30.5 meters) of any bridge, viaduct or tunnel.

22 (2) The foregoing limitations shall not apply upon a one-way  
23 roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor  
24 to the driver of a vehicle turning left into or from an alley, private  
25 road or driveway.

26 **Sec. 59.** RCW 46.61.150 and 1972 ex.s. c 33 s 4 are each amended to  
27 read as follows:

28 Whenever any highway has been divided into two or more roadways by  
29 leaving an intervening space or by a physical barrier or clearly  
30 indicated dividing section or by a median island not less than eighteen  
31 inches (457 millimeters) wide formed either by solid yellow pavement  
32 markings or by a yellow crosshatching between two solid yellow lines so  
33 installed as to control vehicular traffic, every vehicle shall be  
34 driven only upon the right-hand roadway unless directed or permitted to  
35 use another roadway by official traffic-control devices or police  
36 officers. No vehicle shall be driven over, across or within any such  
37 dividing space, barrier or section, or median island, except through an

1 opening in such physical barrier or dividing section or space or median  
2 island, or at a crossover or intersection established by public  
3 authority.

4 **Sec. 60.** RCW 46.61.290 and 1984 c 12 s 1 and 1984 c 7 s 68 are  
5 each reenacted and amended to read as follows:

6 The driver of a vehicle intending to turn shall do so as follows:

7 (1) Right turns. Both the approach for a right turn and a right  
8 turn shall be made as close as practicable to the right-hand curb or  
9 edge of the roadway.

10 (2) Left turns. The driver of a vehicle intending to turn left  
11 shall approach the turn in the extreme left-hand lane lawfully  
12 available to traffic moving in the direction of travel of the vehicle.  
13 Whenever practicable the left turn shall be made to the left of the  
14 center of the intersection and so as to leave the intersection or other  
15 location in the extreme left-hand lane lawfully available to traffic  
16 moving in the same direction as the vehicle on the roadway being  
17 entered.

18 (3) Two-way left turn lanes.

19 (a) The department of transportation and local authorities in their  
20 respective jurisdictions may designate a two-way left turn lane on a  
21 roadway. A two-way left turn lane is near the center of the roadway  
22 set aside for use by vehicles making left turns in either direction  
23 from or into the roadway.

24 (b) Two-way left turn lanes shall be designated by distinctive  
25 uniform roadway markings. The department of transportation shall  
26 determine and prescribe standards and specifications governing type,  
27 length, width, and positioning of the distinctive permanent markings.  
28 The standards and specifications developed shall be filed with the code  
29 reviser in accordance with the procedures set forth in the  
30 administrative procedure act, chapter 34.05 RCW. On and after July 1,  
31 1971, permanent markings designating a two-way left turn lane shall  
32 conform to such standards and specifications.

33 (c) Upon a roadway where a center lane has been provided by  
34 distinctive pavement markings for the use of vehicles turning left from  
35 either direction, no vehicles may turn left from any other lane. A  
36 vehicle shall not be driven in this center lane for the purpose of  
37 overtaking or passing another vehicle proceeding in the same direction.  
38 A signal, either electric or manual, for indicating a left turn

1 movement, shall be made at least one hundred feet (30.5 meters) before  
2 the actual left turn movement is made.

3 (4) The department of transportation and local authorities in their  
4 respective jurisdictions may cause official traffic-control devices to  
5 be placed and thereby require and direct that a different course from  
6 that specified in this section be traveled by turning vehicles, and  
7 when the devices are so placed no driver of a vehicle may turn a  
8 vehicle other than as directed and required by the devices.

9 **Sec. 61.** RCW 46.61.295 and 1975 c 62 s 29 are each amended to read  
10 as follows:

11 (1) The driver of any vehicle shall not turn such vehicle so as to  
12 proceed in the opposite direction unless such movement can be made in  
13 safety and without interfering with other traffic.

14 (2) No vehicle shall be turned so as to proceed in the opposite  
15 direction upon any curve, or upon the approach to or near the crest of  
16 a grade, where such vehicle cannot be seen by the driver of any other  
17 vehicle approaching from either direction within five hundred feet  
18 (152.4 meters).

19 **Sec. 62.** RCW 46.61.305 and 1975 c 62 s 30 are each amended to read  
20 as follows:

21 (1) No person shall turn a vehicle or move right or left upon a  
22 roadway unless and until such movement can be made with reasonable  
23 safety nor without giving an appropriate signal in the manner  
24 hereinafter provided.

25 (2) A signal of intention to turn or move right or left when  
26 required shall be given continuously during not less than the last one  
27 hundred feet (30.5 meters) traveled by the vehicle before turning.

28 (3) No person shall stop or suddenly decrease the speed of a  
29 vehicle without first giving an appropriate signal in the manner  
30 provided herein to the driver of any vehicle immediately to the rear  
31 when there is opportunity to give such signal.

32 (4) The signals provided for in RCW 46.61.310 subsection (2), shall  
33 not be flashed on one side only on a disabled vehicle, flashed as a  
34 courtesy or "do pass" signal to operators of other vehicles approaching  
35 from the rear, nor be flashed on one side only of a parked vehicle  
36 except as may be necessary for compliance with this section.

1       **Sec. 63.** RCW 46.61.310 and 1965 ex.s. c 155 s 44 are each amended  
2 to read as follows:

3       (1) Any stop or turn signal when required herein shall be given  
4 either by means of the hand and arm or by signal lamps, except as  
5 otherwise provided in subsection (2) hereof.

6       (2) Any motor vehicle in use on a highway shall be equipped with,  
7 and required signal shall be given by, signal lamps when the distance  
8 from the center of the top of the steering post to the left outside  
9 limit of the body, cab or load of such motor vehicle exceeds twenty-  
10 four inches (610 millimeters), or when the distance from the center of  
11 the top of the steering post to the rear limit of the body or load  
12 thereof exceeds fourteen feet (4.26 meters). The latter measurements  
13 shall apply to any single vehicle, also to any combination of vehicles.

14       **Sec. 64.** RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended  
15 to read as follows:

16       (1) Whenever any person driving a vehicle approaches a railroad  
17 grade crossing under any of the circumstances stated in this section,  
18 the driver of such vehicle shall stop within fifty feet (15.2 meters)  
19 but not less than fifteen feet (4.6 meters) from the nearest rail of  
20 such railroad, and shall not proceed until he can do so safely. The  
21 foregoing requirements shall apply when:

22       (a) A clearly visible electric or mechanical signal device gives  
23 warning of the immediate approach of a railroad train;

24       (b) A crossing gate is lowered or when a human flagman gives or  
25 continues to give a signal of the approach or passage of a railroad  
26 train;

27       (c) An approaching railroad train is plainly visible and is in  
28 hazardous proximity to such crossing.

29       (2) No person shall drive any vehicle through, around or under any  
30 crossing gate or barrier at a railroad crossing while such gate or  
31 barrier is closed or is being opened or closed.

32       **Sec. 65.** RCW 46.61.345 and 1984 c 7 s 69 are each amended to read  
33 as follows:

34       The state department of transportation and local authorities within  
35 their respective jurisdictions are authorized to designate particularly  
36 dangerous highway grade crossings of railroads and to erect stop signs  
37 at those crossings. When such stop signs are erected the driver of any



1 vehicle shall stop within fifty feet (15.2 meters) but not less than  
2 fifteen feet (4.6 meters) from the nearest rail of the railroad and  
3 shall proceed only upon exercising due care.

4 **Sec. 66.** RCW 46.61.350 and 1977 c 78 s 1 are each amended to read  
5 as follows:

6 (1) The driver of any motor vehicle carrying passengers for hire,  
7 other than a passenger car, or of any school bus or private carrier bus  
8 carrying any school child or other passenger, or of any vehicle  
9 carrying explosive substances or flammable liquids as a cargo or part  
10 of a cargo, before crossing at grade any track or tracks of a railroad,  
11 shall stop such vehicle within fifty feet (15.2 meters) but not less  
12 than fifteen feet (4.6 meters) from the nearest rail of such railroad  
13 and while so stopped shall listen and look in both directions along  
14 such track for any approaching train, and for signals indicating the  
15 approach of a train, except as hereinafter provided, and shall not  
16 proceed until he can do so safely. After stopping as required herein  
17 and upon proceeding when it is safe to do so the driver of any said  
18 vehicle shall cross only in such gear of the vehicle that there will be  
19 no necessity for changing gears while traversing such crossing, and the  
20 driver shall not shift gears while crossing the track or tracks.

21 (2) This section shall not apply at:

22 (a) Any railroad grade crossing at which traffic is controlled by  
23 a police officer or a duly authorized flagman;

24 (b) Any railroad grade crossing at which traffic is regulated by a  
25 traffic control signal;

26 (c) Any railroad grade crossing protected by crossing gates or an  
27 alternately flashing light signal intended to give warning of the  
28 approach of a railroad train;

29 (d) Any railroad grade crossing at which an official traffic  
30 control device as designated by the utilities and transportation  
31 commission pursuant to RCW 81.53.060 gives notice that the stopping  
32 requirement imposed by this section does not apply.

33 **Sec. 67.** RCW 46.61.355 and 1975 c 62 s 32 are each amended to read  
34 as follows:

35 (1) No person shall operate or move any crawler-type tractor, steam  
36 shovel, derrick, roller, or any equipment or structure having a normal  
37 operating speed of ten or less miles per hour or a vertical body or

1 load clearance of less than one-half inch per foot (125 millimeters per  
2 3000 millimeters) of the distance between any two adjacent axles or in  
3 any event of less than nine inches (229 millimeters), measured above  
4 the level surface of a roadway, upon or across any tracks at a railroad  
5 grade crossing without first complying with this section.

6 (2) Notice of any such intended crossing shall be given to the  
7 station agent of such railroad located nearest the intended crossing  
8 sufficiently in advance to allow such railroad a reasonable time to  
9 prescribe proper protection for such crossing.

10 (3) Before making any such crossing the person operating or moving  
11 any such vehicle or equipment shall first stop the same not less than  
12 fifteen feet (4.6 meters) nor more than fifty feet (15.2 meters) from  
13 the nearest rail of such railroad and while so stopped shall listen and  
14 look in both directions along such track for any approaching train and  
15 for signals indicating the approach of a train, and shall not proceed  
16 until the crossing can be made safely.

17 (4) No such crossing shall be made when warning is given by  
18 automatic signal or crossing gates or a flagman or otherwise of the  
19 immediate approach of a railroad train or car. If a flagman is  
20 provided by the railroad, movement over the crossing shall be under his  
21 direction.

22 **Sec. 68.** RCW 46.61.410 and 1987 c 397 s 4 are each amended to read  
23 as follows:

24 (1)(a) Subject to subsection (2) of this section the secretary may  
25 increase the maximum speed limit on any highway or portion thereof to  
26 not more than seventy miles per hour in accordance with the design  
27 speed thereof (taking into account all safety elements included  
28 therein), or whenever the secretary determines upon the basis of an  
29 engineering and traffic investigation that such greater speed is  
30 reasonable and safe under the circumstances existing on such part of  
31 the highway.

32 (b) If the federal government increases the national maximum speed  
33 limit to at least sixty-five miles per hour on any part of the highway  
34 system, the secretary of transportation shall forthwith increase to  
35 that same speed the maximum speed limit on any such highway or portion  
36 thereof then posted at fifty-five miles per hour to a maximum of sixty-  
37 five miles per hour, subject to subsection (2) of this section, if such  
38 limit had been established for that highway or portion thereof in order

1 to comply with the former national maximum speed limit. However, if an  
2 engineering and traffic investigation conducted by the department  
3 clearly indicates that a speed limit above fifty-five miles an hour  
4 would be unsafe for that highway or a portion thereof, the secretary of  
5 transportation shall not increase the speed limit for that highway or  
6 portion thereof above the safe speed indicated by the investigation.  
7 The speed limit on interstate route number 5 between Everett and  
8 Olympia may not be increased above fifty-five miles per hour under this  
9 subsection (b).

10 (c) The greater maximum limit established under (a) or (b) of this  
11 subsection shall be effective when appropriate signs giving notice  
12 thereof are erected, or if a maximum limit is established for auto  
13 stages which is lower than the limit for automobiles, the auto stage  
14 speed limit shall become effective thirty days after written notice  
15 thereof is mailed in the manner provided in subsection (4) of this  
16 section.

17 (d) Such maximum speed limit may be declared to be effective at all  
18 times or at such times as are indicated upon said signs or in the case  
19 of auto stages, as indicated in said written notice; and differing  
20 limits may be established for different times of day, different types  
21 of vehicles, varying weather conditions, and other factors bearing on  
22 safe speeds, which shall be effective when posted upon appropriate  
23 fixed or variable signs or if a maximum limit is established for auto  
24 stages which is lower than the limit for automobiles, the auto stage  
25 speed limit shall become effective thirty days after written notice  
26 thereof is mailed in the manner provided in subsection (4) of this  
27 section.

28 (2) The maximum speed limit for vehicles over ten thousand pounds  
29 (4536 kilograms) gross weight and vehicles in combination except auto  
30 stages shall not exceed sixty miles per hour and may be established at  
31 a lower limit by the secretary as provided in RCW 46.61.405.

32 (3) The word "trucks" used by the department on signs giving notice  
33 of maximum speed limits means vehicles over ten thousand pounds (4536  
34 kilograms) gross weight and all vehicles in combination except auto  
35 stages.

36 (4) Whenever the secretary establishes maximum speed limits for  
37 auto stages lower than the maximum limits for automobiles, the  
38 secretary shall cause to be mailed notice thereof to each auto  
39 transportation company holding a certificate of public convenience and

1 necessity issued by the Washington utilities and transportation  
2 commission. The notice shall be mailed to the chief place of business  
3 within the state of Washington of each auto transportation company or  
4 if none then its chief place of business without the state of  
5 Washington.

6 **Sec. 69.** RCW 46.61.440 and 1975 c 62 s 34 are each amended to read  
7 as follows:

8 Subject to RCW 46.61.400(1), and except in those instances where a  
9 lower maximum lawful speed is provided by this chapter or otherwise, it  
10 shall be unlawful for the operator of any vehicle to operate the same  
11 at a speed in excess of twenty miles per hour when operating any  
12 vehicle upon a highway either inside or outside an incorporated city or  
13 town when passing any marked school or playground crosswalk when such  
14 marked crosswalk is fully posted with standard school speed limit signs  
15 or standard playground speed limit signs. The speed zone at the  
16 crosswalk shall extend three hundred feet (91.4 meters) in either  
17 direction from the marked crosswalk.

18 **Sec. 70.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended  
19 to read as follows:

20 It shall be unlawful for any person to operate a vehicle or any  
21 combination of vehicles over any bridge or other elevated structure or  
22 through any tunnel or underpass constituting a part of any public  
23 highway at a rate of speed or with a gross weight or of a size which is  
24 greater at any time than the maximum speed or maximum weight or size  
25 which can be maintained or carried with safety over any such bridge or  
26 structure or through any such tunnel or underpass when such bridge,  
27 structure, tunnel, or underpass is sign posted as hereinafter provided.  
28 The secretary of transportation, if it be a bridge, structure, tunnel,  
29 or underpass upon a state highway, or the governing body or authorities  
30 of any county, city, or town, if it be upon roads or streets under  
31 their jurisdiction, may restrict the speed which may be maintained or  
32 the gross weight or size which may be operated upon or over any such  
33 bridge or elevated structure or through any such tunnel or underpass  
34 with safety thereto. The secretary or the governing body or  
35 authorities of any county, city, or town having jurisdiction shall  
36 determine and declare the maximum speed or maximum gross weight or size  
37 which such bridge, elevated structure, tunnel, or underpass can

1 withstand or accommodate and shall cause suitable signs stating such  
2 maximum speed or maximum gross weight, or size, or either, to be  
3 erected and maintained on the right hand side of such highway, road, or  
4 street and at a distance of not less than one hundred feet (30.5  
5 meters) from each end of such bridge, structure, tunnel, or underpass  
6 and on the approach thereto: PROVIDED, That in the event that any such  
7 bridge, elevated structure, tunnel, or underpass is upon a city street  
8 designated by the transportation commission as forming a part of the  
9 route of any state highway through any such incorporated city or town  
10 the determination of any maximum speed or maximum gross weight or size  
11 which such bridge, elevated structure, tunnel, or underpass can  
12 withstand or accommodate shall not be enforceable at any speed, weight,  
13 or size less than the maximum allowed by law, unless with the approval  
14 in writing of the secretary. Upon the trial of any person charged with  
15 a violation of this section, proof of either violation of maximum speed  
16 or maximum weight, or size, or either, and the distance and location of  
17 such signs as are required, shall constitute conclusive evidence of the  
18 maximum speed or maximum weight, or size, or either, which can be  
19 maintained or carried with safety over such bridge or elevated  
20 structure or through such tunnel or underpass.

21 **Sec. 71.** RCW 46.61.460 and 1965 ex.s. c 155 s 57 are each amended  
22 to read as follows:

23 No person shall operate any motor-driven cycle at any time  
24 mentioned in RCW 46.37.020 at a speed greater than thirty-five miles  
25 per hour unless such motor-driven cycle is equipped with a head lamp or  
26 lamps which are adequate to reveal a person or vehicle at a distance of  
27 three hundred feet (91.4 meters) ahead.

28 **Sec. 72.** RCW 46.61.570 and 1977 ex.s. c 151 s 40 are each amended  
29 to read as follows:

30 (1) Except when necessary to avoid conflict with other traffic, or  
31 in compliance with law or the directions of a police officer or  
32 official traffic control device, no person shall:

33 (a) Stop, stand, or park a vehicle:

34 (i) On the roadway side of any vehicle stopped or parked at the  
35 edge or curb of a street;

36 (ii) On a sidewalk or street planting strip;

37 (iii) Within an intersection;

1 (iv) On a crosswalk;

2 (v) Between a safety zone and the adjacent curb or within thirty  
3 feet (9.1 meters) of points on the curb immediately opposite the ends  
4 of a safety zone, unless official signs or markings indicate a  
5 different no-parking area opposite the ends of a safety zone;

6 (vi) Alongside or opposite any street excavation or obstruction  
7 when stopping, standing, or parking would obstruct traffic;

8 (vii) Upon any bridge or other elevated structure upon a highway or  
9 within a highway tunnel;

10 (viii) On any railroad tracks;

11 (ix) In the area between roadways of a divided highway including  
12 crossovers; or

13 (x) At any place where official signs prohibit stopping.

14 (b) Stand or park a vehicle, whether occupied or not, except  
15 momentarily to pick up or discharge a passenger or passengers:

16 (i) In front of a public or private driveway or within five feet  
17 (1.5 meters) of the end of the curb radius leading thereto;

18 (ii) Within fifteen feet (4.6 meters) of a fire hydrant;

19 (iii) Within twenty feet (6.1 meters) of a crosswalk;

20 (iv) Within thirty feet (9.1 meters) upon the approach to any  
21 flashing signal, stop sign, yield sign, or traffic control signal  
22 located at the side of a roadway;

23 (v) Within twenty feet (6.1 meters) of the driveway entrance to any  
24 fire station and on the side of a street opposite the entrance to any  
25 fire station within seventy-five feet (22.9 meters) of said entrance  
26 when properly signposted; or

27 (vi) At any place where official signs prohibit standing.

28 (c) Park a vehicle, whether occupied or not, except temporarily for  
29 the purpose of and while actually engaged in loading or unloading  
30 property or passengers:

31 (i) Within fifty feet (15.2 meters) of the nearest rail of a  
32 railroad crossing; or

33 (ii) At any place where official signs prohibit parking.

34 (2) Parking or standing shall be permitted in the manner provided  
35 by law at all other places except a time limit may be imposed or  
36 parking restricted at other places but such limitation and restriction  
37 shall be by city ordinance or county resolution or order of the  
38 secretary of transportation upon highways under their respective  
39 jurisdictions.

1 (3) No person shall move a vehicle not lawfully under his or her  
2 control into any such prohibited area or away from a curb such a  
3 distance as is unlawful.

4 (4) It shall be unlawful for any person to reserve or attempt to  
5 reserve any portion of a highway for the purpose of stopping, standing,  
6 or parking to the exclusion of any other like person, nor shall any  
7 person be granted such right.

8 **Sec. 73.** RCW 46.61.575 and 1977 ex.s. c 151 s 41 are each amended  
9 to read as follows:

10 (1) Except as otherwise provided in this section, every vehicle  
11 stopped or parked upon a two-way roadway shall be so stopped or parked  
12 with the right-hand wheels parallel to and within twelve inches (305  
13 millimeters) of the right-hand curb or as close as practicable to the  
14 right edge of the right-hand shoulder.

15 (2) Except when otherwise provided by local ordinance, every  
16 vehicle stopped or parked upon a one-way roadway shall be so stopped or  
17 parked parallel to the curb or edge of the roadway, in the direction of  
18 authorized traffic movement, with its right-hand wheels within twelve  
19 inches (305 millimeters) of the right-hand curb or as close as  
20 practicable to the right edge of the right-hand shoulder, or with its  
21 left-hand wheels within twelve inches (305 millimeters) of the left-  
22 hand curb or as close as practicable to the left edge of the left-hand  
23 shoulder.

24 (3) Local authorities may by ordinance or resolution permit angle  
25 parking on any roadway, except that angle parking shall not be  
26 permitted on any federal-aid or state highway unless the secretary of  
27 transportation has determined by order that the roadway is of  
28 sufficient width to permit angle parking without interfering with the  
29 free movement of traffic.

30 (4) The secretary with respect to highways under his or her  
31 jurisdiction may place official traffic control devices prohibiting,  
32 limiting, or restricting the stopping, standing, or parking of vehicles  
33 on any highway where the secretary has determined by order, such  
34 stopping, standing, or parking is dangerous to those using the highway  
35 or where the stopping, standing, or parking of vehicles would unduly  
36 interfere with the free movement of traffic thereon. No person shall  
37 stop, stand, or park any vehicle in violation of the restrictions  
38 indicated by such devices.

1       **Sec. 74.** RCW 46.61.581 and 1988 c 74 s 1 are each amended to read  
2 as follows:

3       A parking space or stall for a disabled person shall be indicated  
4 by a vertical sign, between thirty-six (914 millimeters) and eighty-  
5 four (2134 millimeters) inches off the ground, with the international  
6 symbol of access, whose colors are white on a blue background,  
7 described under RCW 70.92.120 and the notice "State disabled parking  
8 permit required."

9       Failure of the person owning or controlling the property where  
10 required parking spaces are located to erect and maintain the sign is  
11 a class 4 civil infraction under chapter 7.80 RCW for each parking  
12 space that should be so designated.

13       **Sec. 75.** RCW 46.61.655 and 1990 c 250 s 56 are each amended to  
14 read as follows:

15       (1) No vehicle shall be driven or moved on any public highway  
16 unless such vehicle is so constructed or loaded as to prevent any of  
17 its load from dropping, sifting, leaking, or otherwise escaping  
18 therefrom, except that sand may be dropped for the purpose of securing  
19 traction. Any person operating a vehicle from which any glass or  
20 objects have fallen or escaped, which would constitute an obstruction  
21 or injure a vehicle or otherwise endanger travel upon such public  
22 highway shall immediately cause the public highway to be cleaned of all  
23 such glass or objects and shall pay any costs therefor.

24       (2) No person may operate on any public highway any vehicle with  
25 any load unless the load and such covering as required thereon by  
26 subsection (3) of this section is securely fastened to prevent the  
27 covering or load from becoming loose, detached, or in any manner a  
28 hazard to other users of the highway.

29       (3) Any vehicle operating on a paved public highway with a load of  
30 dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or  
31 otherwise escaping therefrom shall be covered so as to prevent  
32 spillage. Covering of such loads is not required if six inches (152  
33 millimeters) of freeboard is maintained within the bed.

34       (4) Any vehicle with deposits of mud, rocks, or other debris on the  
35 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall  
36 be cleaned of such material before the operation of the vehicle on a  
37 paved public highway.



1 (5) The state patrol may make necessary rules to carry into effect  
2 the provisions of this section, applying such provisions to specific  
3 conditions and loads and prescribing means, methods, and practices to  
4 effectuate such provisions.

5 (6) Nothing in this section may be construed to prohibit a public  
6 maintenance vehicle from dropping sand on a highway to enhance  
7 traction, or sprinkling water or other substances to clean or maintain  
8 a highway.

9 **Sec. 76.** RCW 47.04.010 and 1975 c 62 s 50 are each amended to read  
10 as follows:

11 The following words and phrases, wherever used in this title, shall  
12 have the meaning as in this section ascribed to them, unless where used  
13 the context thereof shall clearly indicate to the contrary or unless  
14 otherwise defined in the chapter of which they are a part:

15 (1) "Alley." A highway within the ordinary meaning of alley not  
16 designated for general travel and primarily used as a means of access  
17 to the rear of residences and business establishments;

18 (2) "Arterial highway." Every highway, as herein defined, or  
19 portion thereof designated as such by proper authority;

20 (3) "Business district." The territory contiguous to and including  
21 a highway, as herein defined, when within any six hundred feet (182.9  
22 meters) along such highway there are buildings in use for business or  
23 industrial purposes, including but not limited to hotels, banks, or  
24 office buildings, railroad stations, and public buildings which occupy  
25 at least three hundred feet (91.4 meters) of frontage on one side or  
26 three hundred feet (91.4 meters) collectively on both sides of the  
27 highway;

28 (4) "Center line." The line, marked or unmarked parallel to and  
29 equidistant from the sides of a two-way traffic roadway of a highway  
30 except where otherwise indicated by painted lines or markers;

31 (5) "Center of intersection." The point of intersection of the  
32 center lines of the roadways of intersecting highways;

33 (6) "City street." Every highway as herein defined, or part  
34 thereof located within the limits of incorporated cities and towns,  
35 except alleys;

36 (7) "Combination of vehicles." Every combination of motor vehicle  
37 and motor vehicle, motor vehicle and trailer, or motor vehicle and  
38 semitrailer;

1 (8) "Commercial vehicle." Any vehicle the principal use of which  
2 is the transportation of commodities, merchandise, produce, freight,  
3 animals, or passengers for hire;

4 (9) "County road." Every highway as herein defined, or part  
5 thereof, outside the limits of incorporated cities and towns and which  
6 has not been designated as a state highway, or branch thereof;

7 (10) "Crosswalk." The portion of the roadway between the  
8 intersection area and a prolongation or connection of the farthest  
9 sidewalk line or in the event there are no sidewalks then between the  
10 intersection area and a line ten feet (3 meters) therefrom, except as  
11 modified by a marked crosswalk;

12 (11) "Intersection area." (a) The area embraced within the  
13 prolongation or connection of the lateral curb lines, or, if none, then  
14 the lateral boundary lines of the roadways of two or more highways  
15 which join one another at, or approximately at, right angles, or the  
16 area within which vehicles traveling upon different highways joining at  
17 any other angle may come in conflict;

18 (b) Where a highway includes two roadways thirty feet (9.1 meters)  
19 or more apart, then every crossing of each roadway of such divided  
20 highway by an intersecting highway shall be regarded as a separate  
21 intersection. In the event such intersecting highway also includes two  
22 roadways thirty feet (9.1 meters) or more apart, then every crossing of  
23 two roadways of such highways shall be regarded as a separate  
24 intersection;

25 (c) The junction of an alley with a street or highway shall not  
26 constitute an intersection;

27 (12) "Intersection control area." The intersection area as herein  
28 defined, together with such modification of the adjacent roadway area  
29 as results from the arc or curb corners and together with any marked or  
30 unmarked crosswalks adjacent to the intersection;

31 (13) "Laned highway." A highway the roadway of which is divided  
32 into clearly marked lanes for vehicular traffic;

33 (14) "Local authorities." Every county, municipal, or other local  
34 public board or body having authority to adopt local police regulations  
35 under the Constitution and laws of this state;

36 (15) "Marked crosswalk." Any portion of a roadway distinctly  
37 indicated for pedestrian crossing by lines or other markings on the  
38 surface thereof;

1       (16) "Metal tire." Every tire, the bearing surface of which in  
2 contact with the highway is wholly or partly of metal or other hard,  
3 nonresilient material;

4       (17) "Motor truck." Any motor vehicle, as herein defined, designed  
5 or used for the transportation of commodities, merchandise, produce,  
6 freight, or animals;

7       (18) "Motor vehicle." Every vehicle, as herein defined, which is  
8 in itself a self-propelled unit;

9       (19) "Multiple lane highway." Any highway the roadway of which is  
10 of sufficient width to reasonably accommodate two or more separate  
11 lanes of vehicular traffic in the same direction, each lane of which  
12 shall be not less than the maximum legal vehicle width, and whether or  
13 not such lanes are marked;

14       (20) "Operator." Every person who drives or is in actual physical  
15 control of a vehicle as herein defined;

16       (21) "Peace officer." Any officer authorized by law to execute  
17 criminal process or to make arrests for the violation of the statutes  
18 generally or of any particular statute or statutes relative to the  
19 highways of this state;

20       (22) "Pedestrian." Any person afoot;

21       (23) "Person." Every natural person, firm, copartnership,  
22 corporation, association, or organization;

23       (24) "Pneumatic tires." Every tire of rubber or other resilient  
24 material designed to be inflated with compressed air to support the  
25 load thereon;

26       (25) "Private road or driveway." Every way or place in private  
27 ownership and used for travel of vehicles by the owner or those having  
28 express or implied permission from the owner, but not by other persons;

29       (26) "Highway." Every way, lane, road, street, boulevard, and  
30 every way or place in the state of Washington open as a matter of right  
31 to public vehicular travel both inside and outside the limits of  
32 incorporated cities and towns;

33       (27) "Railroad." A carrier of persons or property upon vehicles,  
34 other than street cars, operated upon stationary rails, the route of  
35 which is principally outside incorporated cities and towns;

36       (28) "Railroad sign or signal." Any sign, signal, or device  
37 erected by authority of a public body or official or by a railroad and  
38 intended to give notice of the presence of railroad tracks or the  
39 approach of a railroad train;

1 (29) "Residence district." The territory contiguous to and  
2 including the highway, as herein defined, not comprising a business  
3 district, as herein defined, when the property on such highway for a  
4 continuous distance of three hundred feet (91.4 meters) or more on  
5 either side thereof is in the main improved with residences or  
6 residences and buildings in use for business;

7 (30) "Roadway." The paved, improved, or proper driving portion of  
8 a highway designed, or ordinarily used for vehicular travel;

9 (31) "Safety zone." The area or space officially set apart within  
10 a roadway for the exclusive use of pedestrians and which is protected  
11 or is marked or indicated by painted marks, signs, buttons, standards,  
12 or otherwise so as to be plainly discernible;

13 (32) "Sidewalk." That property between the curb lines or the  
14 lateral lines of a roadway, as herein defined, and the adjacent  
15 property, set aside and intended for the use of pedestrians or such  
16 portion of private property parallel and in proximity to a highway and  
17 dedicated to use by pedestrians;

18 (33) "Solid tire." Every tire of rubber or other resilient  
19 material which does not depend upon inflation with compressed air for  
20 the support of the load thereon;

21 (34) "State highway." Every highway as herein defined, or part  
22 thereof, which has been designated as a state highway, or branch  
23 thereof, by legislative enactment;

24 (35) "Street car." A vehicle other than a train, as herein  
25 defined, for the transporting of persons or property and operated upon  
26 stationary rails principally within incorporated cities and towns;

27 (36) "Traffic." Pedestrians, ridden or herded animals, vehicles,  
28 street cars, and other conveyances either singly or together while  
29 using any highways for purposes of travel;

30 (37) "Traffic control signal." Any traffic device, as herein  
31 defined, whether manually, electrically, or mechanically operated, by  
32 which traffic alternately is directed to stop or proceed or otherwise  
33 controlled;

34 (38) "Traffic devices." All signs, signals, markings, and devices  
35 not inconsistent with this title placed or erected by authority of a  
36 public body or official having jurisdiction, for the purpose of  
37 regulating, warning, or guiding traffic;

1 (39) "Train." A vehicle propelled by steam, electricity, or other  
2 motive power with or without cars coupled thereto, operated upon  
3 stationary rails, except street cars;

4 (40) "Vehicle." Every device capable of being moved upon a highway  
5 and in, upon, or by which any person or property is or may be  
6 transported or drawn upon a highway, excepting devices moved by human  
7 or animal power or used exclusively upon stationary rails or tracks.

8 Words and phrases used herein in the past, present, or future tense  
9 shall include the past, present, and future tenses; words and phrases  
10 used herein in the masculine, feminine, or neuter gender shall include  
11 the masculine, feminine, and neuter genders; and words and phrases used  
12 herein in the singular or plural shall include the singular and plural;  
13 unless the context thereof shall indicate to the contrary.

14 **Sec. 77.** RCW 47.12.026 and 1984 c 7 s 116 are each amended to read  
15 as follows:

16 (1) The department of transportation may acquire an easement for  
17 highway or toll facilities right of way or for ferry terminal or  
18 docking facilities, including the right to make necessary fills, on,  
19 over, or across the beds of navigable waters which are under the  
20 jurisdiction of the department of natural resources, in accordance with  
21 the provisions of RCW 47.12.023, except that no charge may be made to  
22 the department of transportation for such an easement.

23 (2) The department of transportation may obtain an easement for  
24 highway or toll facilities purposes or for ferry terminal or docking  
25 facilities on, over, or across harbor areas in accordance with RCW  
26 47.12.023 but only when the areas are approved by the harbor line  
27 commission as a public place for public landings, wharves, or other  
28 public conveniences of commerce or navigation. No charge may be made  
29 to the department of transportation for such an easement.

30 (3) Upon the selection by the department of transportation of an  
31 easement for highway or toll facilities right of way or for ferry  
32 terminal or docking facilities, as authorized in subsections (1) and  
33 (2) of this section, the department of natural resources shall cause to  
34 be executed and delivered to the department of transportation an  
35 instrument transferring the easement. Whenever the state no longer  
36 requires the easement for highway or toll facilities right of way or  
37 for ferry terminal or docking facilities, the easement shall  
38 automatically terminate and the department of transportation shall,

1 upon request, cause to be executed an instrument relinquishing to the  
2 department of natural resources all of its interest in the lands.

3 (4) The department of transportation, pursuant to the procedures  
4 set forth in RCW 47.12.023, may remove sand and gravel and borrow  
5 materials and stone from the beds of navigable waters under the  
6 jurisdiction of the department of natural resources which lie below the  
7 line of ordinary high water upon the payment of fair market value per  
8 cubic yard (cubic meter) for such materials to be determined in the  
9 manner set forth in RCW 47.12.023.

10 (5) The department of transportation may acquire full jurisdiction  
11 over lands under the jurisdiction of the department of natural  
12 resources including the beds of navigable waters that are required for  
13 the relocation of the operating tracks of any railroad that will be  
14 displaced by the acquisition of such railroad property for state  
15 highway purposes. The department of transportation may exchange lands  
16 so acquired in consideration or partial consideration for the land or  
17 property rights needed for highway purposes and may cause to be  
18 executed a conveyance of the lands in the manner prescribed in RCW  
19 47.12.150. In that event the department of transportation shall pay to  
20 the department of natural resources, as just compensation for the  
21 acquisition, the fair market value of the property, including the beds  
22 of any navigable waters, to be determined in accordance with procedures  
23 set forth in RCW 47.12.023.

24 **Sec. 78.** RCW 47.17.001 and 1993 c 430 s 1 are each amended to read  
25 as follows:

26 In considering whether to make additions, deletions, or other  
27 changes to the state highway system, the legislature shall be guided by  
28 the following criteria as contained in the Road Jurisdiction Committee  
29 Phase I report to the legislature dated January 1987:

30 (1) A rural highway route should be designated as a state highway  
31 if it meets any of the following criteria:

32 (a) Is designated as part of the national system of interstate and  
33 defense highways (popularly called the interstate system); or

34 (b) Is designated as part of the system of numbered United States  
35 routes; or

36 (c) Contains an international border crossing that is open twelve  
37 or more hours each day.

1 (2) A rural highway route may be designated as a state highway if  
2 it is part of an integrated system of roads and:

3 (a) Carries in excess of three hundred thousand tons (272 160  
4 metric tons) annually and provides primary access to a rural port or  
5 intermodal freight terminal;

6 (b) Provides a major cross-connection between existing state  
7 highways;

8 (c) Connects places exhibiting one or more of the following  
9 characteristics:

10 (i) A population center of one thousand or greater;

11 (ii) An area or aggregation of areas having a population  
12 equivalency of one thousand or more, such as, but not limited to,  
13 recreation areas, military installations, and so forth;

14 (iii) A county seat;

15 (iv) A major commercial-industrial terminal in a rural area with a  
16 population equivalency of one thousand or greater; or

17 (d) Is designated as a scenic and recreational highway.

18 (3) An urban highway route that meets any of the following criteria  
19 should be designated as part of the state highway system:

20 (a) Is designated as part of the interstate system;

21 (b) Is designated as part of the system of numbered United States  
22 routes;

23 (c) Is an urban extension of a rural state highway into or through  
24 an urban area and is necessary to form an integrated system of state  
25 highways;

26 (d) Is a principal arterial that is a connecting link between two  
27 state highways and serves regionally oriented through traffic in  
28 urbanized areas with a population of fifty thousand or greater, or is  
29 a spur that serves regionally oriented traffic in urbanized areas.

30 (4) The following guidelines are intended to be used as a basis for  
31 interpreting and applying the criteria to specific routes:

32 (a) For any route wholly within one or more contiguous  
33 jurisdictions which would be proposed for transfer to the state highway  
34 system under these criteria, if local officials prefer, responsibility  
35 will remain at the local level.

36 (b) State highway routes maintain continuity of the system by being  
37 composed of routes that join other state routes at both ends or to  
38 arterial routes in the states of Oregon and Idaho and the Province of  
39 British Columbia.

1 (c) Public facilities may be considered to be served if they are  
2 within approximately two miles (3.2 kilometers) of a state highway.

3 (d) Exceptions may be made to include:

4 (i) Rural spurs as state highways if they meet the criteria  
5 relative to serving population centers of one thousand or greater  
6 population or activity centers with population equivalencies or an  
7 aggregated population of one thousand or greater;

8 (ii) Urban spurs as state highways that provide needed access to  
9 Washington state ferry terminals, state parks, major seaports, and  
10 trunk airports; and

11 (iii) Urban connecting links as state highways that function as  
12 needed bypass routing of regionally oriented through traffic and  
13 benefit truck routing, capacity alternative, business congestion, and  
14 geometric deficiencies.

15 (e) In urban and urbanized areas:

16 (i) Unless they are significant regional traffic generators, public  
17 facilities such as state hospitals, state correction centers, state  
18 universities, ferry terminals, and military bases do not constitute a  
19 criteria for establishment of a state highway; and

20 (ii) There may be no more than one parallel nonaccess controlled  
21 facility in the same corridor as a freeway or limited access facility  
22 as designated by the metropolitan planning organization.

23 (f) When there is a choice of two or more routes between population  
24 centers, the state route designation shall normally be based on the  
25 following considerations:

26 (i) The ability to handle higher traffic volumes;

27 (ii) The higher ability to accommodate further development or  
28 expansion along the existing alignment;

29 (iii) The most direct route and the lowest travel time;

30 (iv) The route that serves traffic with the most interstate, state-  
31 wide, and interregional significance;

32 (v) The route that provides the optimal spacing between other state  
33 routes; and

34 (vi) The route that best serves the comprehensive plan for  
35 community development in those areas where such a plan has been  
36 developed and adopted.

37 (g) A route designated in chapter 47.39 RCW as a scenic and  
38 recreational highway may be designated as a state highway in addition  
39 to a parallel state highway route.



1       **Sec. 79.** RCW 47.24.020 and 1993 c 126 s 1 are each amended to read  
2 as follows:

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

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

9       (2) The city or town shall exercise full responsibility for and  
10 control over any such street beyond the curbs and if no curb is  
11 installed, beyond that portion of the highway used for highway  
12 purposes. However, within incorporated cities and towns the title to  
13 a state limited access highway vests in the state, and, notwithstanding  
14 any other provision of this section, the department shall exercise full  
15 jurisdiction, responsibility, and control to and over such facility as  
16 provided in chapter 47.52 RCW;

17       (3) The department has authority to prohibit the suspension of  
18 signs, banners, or decorations above the portion of such street between  
19 the curbs or portion used for highway purposes up to a vertical height  
20 of twenty feet (6.1 meters) above the surface of the roadway;

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

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

29       (6) The city or town at its own expense shall provide street  
30 illumination and shall clean all such streets, including storm sewer  
31 inlets and catch basins, and remove all snow, except that the state  
32 shall when necessary plow the snow on the roadway. In cities and towns  
33 having a population of twenty-two thousand five hundred or less  
34 according to the latest determination of population by the office of  
35 financial management, the state, when necessary for public safety,  
36 shall assume, at its expense, responsibility for the stability of the  
37 slopes of cuts and fills and the embankments within the right of way to  
38 protect the roadway itself. When the population of a city or town  
39 first exceeds twenty-two thousand five hundred according to the

1 determination of population by the office of financial management, the  
2 city or town shall have three years from the date of the determination  
3 to plan for additional staffing, budgetary, and equipment requirements  
4 before being required to assume the responsibilities under this  
5 subsection. The state shall install, maintain, and operate all  
6 illuminating facilities on any limited access facility, together with  
7 its interchanges, located within the corporate limits of any city or  
8 town, and shall assume and pay the costs of all such installation,  
9 maintenance, and operation incurred after November 1, 1954;

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

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

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

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

34 (11) Cities and towns shall regulate and enforce all traffic and  
35 parking restrictions on such streets, but all regulations adopted by a  
36 city or town relating to speed, parking, and traffic control devices on  
37 such streets not identical to state law relating thereto are subject to  
38 the approval of the department before becoming effective. All  
39 regulations pertaining to speed, parking, and traffic control devices

1 relating to such streets heretofore adopted by a city or town not  
2 identical with state laws shall become null and void unless approved by  
3 the department heretofore or within one year after March 21, 1963;

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

7 (13) The department shall install, operate, maintain, and control  
8 at state expense all traffic control signals, signs, and traffic  
9 control devices for the purpose of regulating both pedestrian and motor  
10 vehicular traffic on, entering upon, or leaving state highways in  
11 cities and towns having a population of twenty-two thousand five  
12 hundred or less according to the latest determination of population by  
13 the office of financial management. Such cities and towns may submit  
14 to the department a plan for traffic control signals, signs, and  
15 traffic control devices desired by them, indicating the location,  
16 nature of installation, or type thereof, or a proposed amendment to  
17 such an existing plan or installation, and the department shall consult  
18 with the cities or towns concerning the plan before installing such  
19 signals, signs, or devices. Cities and towns having a population in  
20 excess of twenty-two thousand five hundred according to the latest  
21 determination of population by the office of financial management shall  
22 install, maintain, operate, and control such signals, signs, and  
23 devices at their own expense, subject to approval of the department for  
24 the installation and type only. When the population of a city or town  
25 first exceeds twenty-two thousand five hundred according to the  
26 determination of population by the office of financial management, the  
27 city or town shall have three years from the date of the determination  
28 to plan for additional staffing, budgetary, and equipment requirements  
29 before being required to assume the responsibilities under this  
30 subsection. For the purpose of this subsection, striping, lane  
31 marking, and channelization are considered traffic control devices;

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

34 (15) Rights of way for such streets shall be acquired by either the  
35 city or town or by the state as shall be mutually agreed upon. Costs  
36 of acquiring rights of way may be at the sole expense of the state or  
37 at the expense of the city or town or at the expense of the state and  
38 the city or town as may be mutually agreed upon. Title to all such  
39 rights of way so acquired shall vest in the city or town: PROVIDED,

1 That no vacation, sale, rental, or any other nontransportation use of  
2 any unused portion of any such street may be made by the city or town  
3 without the prior written approval of the department; and all revenue  
4 derived from sale, vacation, rental, or any nontransportation use of  
5 such rights of way shall be shared by the city or town and the state in  
6 the same proportion as the purchase costs were shared;

7 (16) If any city or town fails to perform any of its obligations as  
8 set forth in this section or in any cooperative agreement entered into  
9 with the department for the maintenance of a city or town street  
10 forming part of the route of a state highway, the department may notify  
11 the mayor of the city or town to perform the necessary maintenance  
12 within thirty days. If the city or town within the thirty days fails  
13 to perform the maintenance or fails to authorize the department to  
14 perform the maintenance as provided by RCW 47.24.050, the department  
15 may perform the maintenance, the cost of which is to be deducted from  
16 any sums in the motor vehicle fund credited or to be credited to the  
17 city or town.

18 **Sec. 80.** RCW 47.26.060 and 1981 c 315 s 1 are each amended to read  
19 as follows:

20 Funds available for expenditure by the department of transportation  
21 pursuant to RCW 46.68.150 shall be apportioned to the five regions for  
22 expenditure upon state highways in urban areas in the following manner:

23 (1) One-third in the ratio which the population of the urban areas  
24 of each region bears to the total population of all of the urban areas  
25 of the state as last determined by the office of financial management;

26 (2) One-third in the ratio which the vehicle-miles (vehicle-  
27 kilometers) traveled on state highways (other than interstate highways)  
28 within the urban areas of each region bears to the total vehicle-miles  
29 (vehicle-kilometers) traveled on all state highways (other than  
30 interstate highways) within all urban areas of the state as last  
31 determined by the department of transportation; and

32 (3) One-third in the ratio which the state highway category A needs  
33 on state highways (other than interstate highways) within the urban  
34 areas of each region bears to the total category A needs on state  
35 highways (other than interstate highways) within all urban areas of the  
36 state as last revised by the department of transportation.

1 The department of transportation shall adjust the schedule for  
2 apportionment of such funds to the five regions in the manner provided  
3 herein prior to the commencement of each biennium.

4 **Sec. 81.** RCW 47.28.020 and 1984 c 7 s 164 are each amended to read  
5 as follows:

6 From and after April 1, 1937, the width of one hundred feet (30.5  
7 meters) is the necessary and proper right of way width for state  
8 highways unless the department, for good cause, adopts and designates  
9 a different width. This section shall not be construed to require the  
10 department to acquire increased right of way for any state highway in  
11 existence on such date.

12 **Sec. 82.** RCW 47.32.140 and 1983 c 19 s 2 are each amended to read  
13 as follows:

14 Each railroad company shall keep its right of way clear of all  
15 brush and timber in the vicinity of a railroad grade crossing with a  
16 state highway for a distance of one hundred feet (30.5 meters) from the  
17 crossing in such manner as to permit a person upon the highway to  
18 obtain an unobstructed view in both directions of an approaching train.  
19 The department shall cause brush and timber to be cleared from the  
20 right of way of a state highway in the proximity of a railroad grade  
21 crossing for a distance of one hundred feet (30.5 meters) from the  
22 crossing in such manner as to permit a person upon the highway to  
23 obtain an unobstructed view in both directions of an approaching train.  
24 It is unlawful to erect or maintain a sign, signboard, or billboard,  
25 except official highway signs and traffic devices and railroad warning  
26 or operating signs, outside the corporate limits of any city or town  
27 within a distance of one hundred feet (30.5 meters) from the point of  
28 intersection of the highway and railroad grade crossing unless, after  
29 thirty days notice to the Washington utilities and transportation  
30 commission and the railroad operating the crossing, the department  
31 determines that it does not obscure the sight distance of a person  
32 operating a vehicle or train approaching the grade crossing.

33 When a person who has erected or who maintains such a sign,  
34 signboard, or billboard or when a railroad company permits such brush  
35 or timber in the vicinity of a railroad grade crossing with a state  
36 highway or permits the surface of a grade crossing to become  
37 inconvenient or dangerous for passage and who has the duty to maintain

1 it, fails, neglects, or refuses to remove or cause to be removed such  
2 brush, timber, sign, signboard, or billboard, or maintain the surface  
3 of the crossing, the utilities and transportation commission upon  
4 complaint of the department or upon complaint of any party interested,  
5 or upon its own motion, shall enter upon a hearing in the manner now  
6 provided for hearings with respect to railroad-highway grade crossings,  
7 and make and enforce proper orders for the removal of the brush,  
8 timber, sign, signboard or billboard, or maintenance of the crossing.  
9 However, nothing in this section prevents the posting or maintaining of  
10 any legal notice or sign, signal, or traffic device required or  
11 permitted to be posted or maintained, or the placing and maintaining  
12 thereon of highway or road signs or traffic devices giving directions  
13 or distances for the information of the public when the signs are  
14 approved by the department. The department shall inspect highway grade  
15 crossings and make complaint of the violation of any provisions of this  
16 section.

17 **Sec. 83.** RCW 47.36.270 and 1987 c 469 s 1 are each amended to read  
18 as follows:

19 Regional shopping center directional signs shall be erected and  
20 maintained on state highway right of way if they meet each of the  
21 following criteria:

22 (1) There shall be at least five hundred thousand square feet  
23 (46 450 square meters) of retail floor space available for lease at the  
24 regional shopping center;

25 (2) The regional shopping center shall contain at least three major  
26 department stores that are owned by a national or regional retail chain  
27 organization;

28 (3) The shopping center shall be located within one mile (1.6  
29 kilometers) of the roadway;

30 (4) The center shall generate at least nine thousand daily one-way  
31 vehicle trips to the center;

32 (5) There is sufficient space available for installation of the  
33 directional sign as specified in the Manual On Uniform Traffic Control  
34 Devices;

35 (6) Supplemental follow-through directional signing is required at  
36 key decision points to direct motorists to the shopping center if it is  
37 not clearly visible from the point of exit from the main traveled way.

1 The department shall collect from the regional shopping center a  
2 reasonable fee based upon the cost of erection and maintenance of the  
3 directional sign.

4 **Sec. 84.** RCW 47.36.290 and 1985 c 376 s 7 are each amended to read  
5 as follows:

6 Directional signs for state parks within fifteen miles (24.1  
7 kilometers) of an interstate highway shall be erected and maintained on  
8 the interstate highway by the department despite the existence of  
9 additional directional signs on primary or scenic system highways in  
10 closer proximity to such state parks.

11 **Sec. 85.** RCW 47.36.310 and 1987 c 469 s 3 are each amended to read  
12 as follows:

13 The department is authorized to erect and maintain specific  
14 information panels within the right of way of the interstate highway  
15 system to give the traveling public specific information as to gas,  
16 food, or lodging available on a crossroad at or near an interchange.  
17 Specific information panels shall include the words "GAS," "FOOD," or  
18 "LODGING" and directional information and may contain one or more  
19 individual business signs maintained on the panel. Specific  
20 information panels are authorized within the corporate limits of cities  
21 and towns and areas zoned for commercial or industrial uses at  
22 locations where there is adequate distance between interchanges to  
23 ensure compliance with the provisions of Title 23 C.F.R. sec.  
24 655.307(a). The erection and maintenance of specific information  
25 panels shall conform to the national standards promulgated by the  
26 United States secretary of transportation pursuant to sections 131 and  
27 315 of Title 23, United States Code and rules adopted by the state  
28 department of transportation. A motorist service business located  
29 within one mile (1.6 kilometers) of a state highway shall not be  
30 permitted to display its name, brand, or trademark on a specific  
31 information panel unless its owner has first entered into an agreement  
32 with the department limiting the height of its on-premise signs at the  
33 site of its service installation to not more than fifteen feet (4.6  
34 meters) higher than the roof of its main building. The department  
35 shall charge reasonable fees for the display of individual business  
36 signs to defray the costs of their installation and maintenance. The  
37 restriction for on-premise signs shall not apply if the sign is not

1 visible from the highway. The department may, on a case-by-case basis,  
2 waive the height restriction when an on-premise sign is visible from  
3 the rural interstate system.

4 **Sec. 86.** RCW 47.36.320 and 1986 c 114 s 2 are each amended to read  
5 as follows:

6 The department is authorized to erect and maintain specific  
7 information panels within the right of way of both the primary system  
8 and the scenic system to give the traveling public specific information  
9 as to gas, food, recreation, or lodging available off the primary or  
10 scenic highway accessible by way of highways intersecting the primary  
11 or scenic highway. Such specific information panels and tourist-  
12 oriented directional signs shall be permitted only at locations within  
13 the corporate limits of cities and towns and areas zoned for commercial  
14 or industrial uses where there is adequate distance between  
15 interchanges to ensure compliance with the provisions of Title 23  
16 C.F.R. secs. 655.308(a) and 655.309(a). Specific information panels  
17 shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and  
18 directional information and may contain one or more individual business  
19 signs maintained on the panel. The erection and maintenance of  
20 specific information panels along primary or scenic highways shall  
21 conform to the national standards promulgated by the United States  
22 secretary of transportation pursuant to sections 131 and 315 of Title  
23 23 United States Code and rules adopted by the state department of  
24 transportation including the manual on uniform traffic control devices  
25 for streets and highways. A motorist service business located within  
26 one mile (1.6 kilometers) of a state highway shall not be permitted to  
27 display its name, brand, or trademark on a specific information panel  
28 unless its owner has first entered into an agreement with the  
29 department limiting the height of its on-premise signs at the site of  
30 its service installation to not more than fifteen feet (4.6 meters)  
31 higher than the roof of its main building.

32 The department shall adopt rules for the erection and maintenance  
33 of tourist-oriented directional signs with the following restrictions:

34 (1) Where installed, they shall be placed in advance of the "GAS,"  
35 "FOOD," "RECREATION," or "LODGING" specific information panels  
36 previously described in this section;

37 (2) Signs shall not be placed to direct a motorist to an activity  
38 visible from the main traveled roadway;



1 (3) Premises on which the qualified tourist-oriented business is  
2 located must be within fifteen miles (24.1 kilometers) of the state  
3 highway, and necessary supplemental signing on local roads must be  
4 provided before the installation of the signs on the state highway.

5 The department shall charge reasonable fees for the display of  
6 individual business signs to defray the costs of their installation and  
7 maintenance.

8 **Sec. 87.** RCW 47.36.330 and 1985 c 142 s 3 are each amended to read  
9 as follows:

10 (1) Not more than six business signs may be permitted on specific  
11 information panels authorized by RCW 47.36.310 and 47.36.320.

12 (2) The maximum distance that eligible service facilities may be  
13 located on either side of an interchange or intersection to qualify for  
14 a business sign are as follows:

15 (a) On fully-controlled, limited access highways, gas, food, or  
16 lodging activities shall be located within three miles (4.8  
17 kilometers). Camping activities shall be within five miles (8.0  
18 kilometers).

19 (b) On highways with partial access control or no access control,  
20 gas, food, lodging, or camping activities shall be located within five  
21 miles (8.0 kilometers).

22 (3) If no eligible services are located within the distance limits  
23 prescribed in subsection (2) of this section, the distance limits shall  
24 be increased until an eligible service of a type being considered is  
25 reached, up to a maximum of fifteen miles (24.1 kilometers).

26 **Sec. 88.** RCW 47.40.080 and 1961 c 13 s 47.40.080 are each amended  
27 to read as follows:

28 Any person who shall break or cut from any lands owned by the state  
29 of Washington or shall cut down, remove, destroy or uproot any  
30 rhododendron, evergreen, huckleberry, native dogwood or any other  
31 native tree, shrub, fern, herb, bulb or wild plants, or any part  
32 thereof, within three hundred feet (91.4 meters) of the center line of  
33 any state or county road, or who shall cut down, remove or destroy any  
34 flowering or ornamental tree or shrub, or any native flowering plant,  
35 fern, herb or bulb, either perennial or annual, situate, growing or  
36 being on any public street or highway, state or city park, in the state  
37 of Washington, unless such person be engaged in the work of

1 constructing or repairing such highway or street under authority and  
2 direction of the legally constituted public officials being charged by  
3 law with the duty of constructing or repairing such highways or  
4 streets, state or city parks, shall be guilty of a misdemeanor.

5 **Sec. 89.** RCW 47.41.030 and 1984 c 7 s 217 are each amended to read  
6 as follows:

7 No person may establish, operate, or maintain a junkyard any  
8 portion of which is within one thousand feet (304.8 meters) of the  
9 nearest edge of the right of way of any interstate or federal-aid  
10 primary highway, except the following:

11 (1) Those which are screened by natural objects, plantings, fences,  
12 or other appropriate means so as not to be visible from the main-  
13 traveled way of the system or otherwise removed from sight;

14 (2) Those located within areas which are zoned for industrial use  
15 under authority of law;

16 (3) Those located within unzoned industrial areas, which areas  
17 shall be determined from actual land uses and defined by rules adopted  
18 by the department and approved by the United States secretary of  
19 transportation; and

20 (4) Those which are not visible from the main-traveled way of the  
21 system.

22 **Sec. 90.** RCW 47.41.040 and 1984 c 7 s 218 are each amended to read  
23 as follows:

24 Before July 1, 1971, the department shall determine whether or not  
25 the topography of the land adjoining the highway will permit adequate  
26 screening of any junkyard lawfully in existence located outside of a  
27 zoned industrial area or an unzoned industrial area as defined under  
28 RCW 47.41.030 on August 9, 1971, that is within one thousand feet  
29 (304.8 meters) of the nearest edge of the right of way and visible from  
30 the main traveled way of any highway on the interstate and primary  
31 system and whether screening of the junkyard would be economically  
32 feasible. Within thirty days thereafter the department shall notify by  
33 certified mail the record owner of the land upon which the junkyard is  
34 located, or the operator thereof, of its determination.

35 If it is economically feasible to screen the junkyard, the  
36 department shall screen the junkyard so that it will not be visible  
37 from the main-traveled way of the highway. The department is

1 authorized to acquire by gift, purchase, exchange, or condemnation such  
2 lands or interest in lands as may be required for these purposes.

3 If it is not economically feasible to screen the junkyard, the  
4 department shall acquire by purchase, gift, or condemnation an interest  
5 in the real property used for junkyard purposes that is visible from  
6 the main traveled way of the highway, restricting any owner of the  
7 remaining interest to use of the real estate for purposes other than a  
8 junkyard. In addition to compensation for the real property interest,  
9 the operator of a junkyard shall receive the actual reasonable expenses  
10 in moving his business personal property to a location within the same  
11 general area where a junkyard may be lawfully established, operated,  
12 and maintained. This section shall be interpreted as being in addition  
13 to all other rights and remedies of a junkyard owner or operator and  
14 shall not be interpreted as a limitation on or alteration of the law of  
15 compensation in eminent domain.

16 **Sec. 91.** RCW 47.42.020 and 1993 c 430 s 10 are each amended to  
17 read as follows:

18 The definitions set forth in this section apply throughout this  
19 chapter.

20 (1) "Department" means the Washington state department of  
21 transportation.

22 (2) "Erect" means to construct, build, raise, assemble, place,  
23 affix, attach, create, paint, draw, or in any other way bring into  
24 being or establish.

25 (3) "Interstate system" means any state highway which is or does  
26 become part of the national system of interstate and defense highways  
27 as described in section 103(d) of title 23, United States Code.

28 (4) "Maintain" means to allow to exist.

29 (5) "Person" means this state or any public or private corporation,  
30 firm, partnership, association, as well as any individual or  
31 individuals.

32 (6) "Primary system" means any state highway which is or does  
33 become part of the federal-aid primary system as described in section  
34 103(b) of title 23, United States Code.

35 (7) "Scenic system" means (a) any state highway within any public  
36 park, federal forest area, public beach, public recreation area, or  
37 national monument, (b) any state highway or portion thereof outside the  
38 boundaries of any incorporated city or town designated by the

1 legislature as a part of the scenic system, or (c) any state highway or  
2 portion thereof outside the boundaries of any incorporated city or town  
3 designated by the legislature as a part of the scenic and recreational  
4 highway system except for the sections of highways specifically  
5 excluded in RCW 47.42.025 or located within areas zoned by the  
6 governing county for predominantly commercial and industrial uses, and  
7 having development visible to the highway, as determined by the  
8 department.

9 (8) "Sign" means any outdoor sign, display, device, figure,  
10 painting, drawing, message, placard, poster, billboard, or other thing  
11 that is designed, intended, or used to advertise or inform, any part of  
12 the advertising or informative contents of which is visible from any  
13 place on the main-traveled way of the interstate system or other state  
14 highway.

15 (9) "Commercial and industrial areas" means any area zoned  
16 commercial or industrial by a county or municipal code, or if unzoned  
17 or zoned for general uses by a county or municipal code, that area  
18 occupied by three or more separate and distinct commercial or  
19 industrial activities, or any combination thereof, within a space of  
20 five hundred feet (152.4 meters) and the area within five hundred feet  
21 (152.4 meters) of such activities on both sides of the highway. The  
22 area shall be measured from the outer edges of the regularly used  
23 buildings, parking lots, or storage or processing areas of the  
24 commercial or industrial activity and not from the property lines of  
25 the parcels upon which the activities are located. Measurements shall  
26 be along or parallel to the edge of the main traveled way of the  
27 highway. The following shall not be considered commercial or  
28 industrial activities:

29 (a) Agricultural, forestry, grazing, farming, and related  
30 activities, including, but not limited to, wayside fresh produce  
31 stands;

32 (b) Transient or temporary activities;

33 (c) Railroad tracks and minor sidings;

34 (d) Signs;

35 (e) Activities more than six hundred and sixty feet (201.2 meters)  
36 from the nearest edge of the right of way;

37 (f) Activities conducted in a building principally used as a  
38 residence.

1 If any commercial or industrial activity that has been used in defining  
2 or delineating an unzoned area ceases to operate for a period of six  
3 continuous months, any signs located within the former unzoned area  
4 become nonconforming and shall not be maintained by any person.

5 (10) "Roadside area information panel or display" means a panel or  
6 display located so as not to be readable from the main traveled way,  
7 erected in a safety rest area, scenic overlook, or similar roadside  
8 area, for providing motorists with information in the specific interest  
9 of the traveling public.

10 (11) "Temporary agricultural directional sign" means a sign on  
11 private property adjacent to state highway right of way to provide  
12 directional information to places of business offering for sale  
13 seasonal agricultural products on the property where the sale is taking  
14 place.

15 **Sec. 92.** RCW 47.42.040 and 1991 c 94 s 2 are each amended to read  
16 as follows:

17 It is declared to be the policy of the state that no signs which  
18 are visible from the main traveled way of the interstate system,  
19 primary system, or scenic system shall be erected or maintained except  
20 the following types:

21 (1) Directional or other official signs or notices that are  
22 required or authorized by law;

23 (2) Signs advertising the sale or lease of the property upon which  
24 they are located;

25 (3) Signs advertising activities conducted on the property on which  
26 they are located;

27 (4) Signs, not inconsistent with the policy of this chapter and the  
28 national policy set forth in section 131 of title 23, United States  
29 Code as codified and enacted by Public Law 85-767 and amended only by  
30 section 106, Public Law 86-342, and the national standards promulgated  
31 thereunder by the secretary of commerce or the secretary of  
32 transportation, advertising activities being conducted at a location  
33 within twelve miles (19.3 kilometers) of the point at which such signs  
34 are located: PROVIDED, That no sign lawfully erected pursuant to this  
35 subsection adjacent to the interstate system and outside commercial and  
36 industrial areas shall be maintained by any person after three years  
37 from May 10, 1971;

1 (5) Signs, not inconsistent with the policy of this chapter and the  
2 national policy set forth in section 131 of title 23, United States  
3 Code as codified and enacted by Public Law 85-767 and amended only by  
4 section 106, Public Law 86-342, and the regulations promulgated  
5 thereunder by the secretary of commerce or the secretary of  
6 transportation, designed to give information in the specific interest  
7 of the traveling public: PROVIDED, That no sign lawfully erected  
8 pursuant to this subsection adjacent to the interstate system and  
9 outside commercial and industrial areas shall be maintained by any  
10 person after three years from May 10, 1971;

11 (6) Signs lawfully in existence on October 22, 1965, determined by  
12 the commission, subject to the approval of the United States secretary  
13 of transportation, to be landmark signs, including signs on farm  
14 structures or natural surfaces, of historic or artistic significance  
15 the preservation of which would be consistent with the purposes of  
16 chapter 47.42 RCW;

17 (7) Public service signs, located on school bus stop shelters,  
18 which:

19 (a) Identify the donor, sponsor, or contributor of said shelters;

20 (b) Contain safety slogans or messages which occupy not less than  
21 sixty percent of the area of the sign;

22 (c) Contain no other message;

23 (d) Are located on school bus shelters which are authorized or  
24 approved by city, county, or state law, regulation, or ordinance, and  
25 at places approved by the city, county, or state agency controlling the  
26 highway involved; and

27 (e) Do not exceed thirty-two square feet (3 square meters) in area.  
28 Not more than one sign on each shelter may face in any one direction.

29 Subsection (7) of this section notwithstanding, the department of  
30 transportation shall adopt regulations relating to the appearance of  
31 school bus shelters, the placement, size, and public service content of  
32 public service signs located thereon, and the prominence of the  
33 identification of the donors, sponsors, or contributors of the  
34 shelters.

35 (8) Temporary agricultural directional signs, with the following  
36 restrictions:

37 (a) Signs shall be posted only during the period of time the  
38 seasonal agricultural product is being sold;

1 (b) Signs shall not be placed adjacent to the interstate highway  
2 system unless the sign qualifies as an on-premise sign;

3 (c) Signs shall not be placed within an incorporated city or town;

4 (d) Premises on which the seasonal agricultural products are sold  
5 must be within fifteen miles (24.1 kilometers) of the state highway,  
6 and necessary supplemental signing on local roads must be provided  
7 before the installation of the signs on the state highway;

8 (e) Signs must be located so as not to restrict sight distances on  
9 approaches to intersections;

10 (f) The department shall establish a permit system and fee schedule  
11 and rules for the manufacturing, installation, and maintenance of these  
12 signs in accordance with the policy of this chapter;

13 (g) Signs in violation of these provisions shall be removed in  
14 accordance with the procedures in RCW 47.42.080;

15 Only signs of types 1, 2, 3, 7, and 8 may be erected or maintained  
16 within view of the scenic system. Signs of types 7 and 8 may also be  
17 erected or maintained within view of the federal aid primary system.

18 **Sec. 93.** RCW 47.42.045 and 1975-'76 2nd ex.s. c 55 s 2 are each  
19 amended to read as follows:

20 (1) Not more than one type 3 sign visible to traffic proceeding in  
21 any one direction on an interstate system, primary system outside an  
22 incorporated city or town or commercial or industrial area, or scenic  
23 system highway may be permitted more than fifty feet (15.2 meters) from  
24 the advertised activity;

25 (2) A type 3 sign, other than one along any portion of the primary  
26 system within an incorporated city or town or within any commercial or  
27 industrial area, permitted more than fifty feet (15.2 meters) from the  
28 advertised activity pursuant to subsection (1) of this section shall  
29 not be erected or maintained a greater distance from the advertised  
30 activity than one of the following options selected by the owner of the  
31 business being advertised:

32 (a) One hundred fifty feet (45.7 meters) measured along the edge of  
33 the protected highway from the main entrance to the activity advertised  
34 (when applicable);

35 (b) One hundred fifty feet (45.7 meters) from the main building of  
36 the advertised activity; or

37 (c) Fifty feet (15.2 meters) from a regularly used parking lot  
38 maintained by and contiguous to the advertised activity.

1 (3) In addition to signs permitted by subsections (1) and (2) of  
2 this section, the commission may adopt regulations permitting one type  
3 3 sign visible to traffic proceeding in any one direction on an  
4 interstate, primary or scenic system highway on premises which, on June  
5 25, 1976, are used wholly or in part as an operating business, farm,  
6 ranch or orchard which sign bears only the name of the business, farm,  
7 ranch or orchard and a directional arrow or short directional message.  
8 Regulations adopted under this subsection shall prohibit the erection  
9 or maintenance of such type 3 signs on narrow strips of land a  
10 substantial distance from but connected with a business, farm, ranch or  
11 orchard. Signs permitted under this subsection shall not exceed fifty  
12 square feet (4.6 square meters) in area.

13 (4) The commission with advice from the parks and recreation  
14 commission shall adopt specifications for a uniform system of official  
15 tourist facility directional signs to be used on the scenic system  
16 highways. Official directional signs shall be posted by the commission  
17 to inform motorists of types of tourist and recreational facilities  
18 available off the scenic system which are accessible by way of public  
19 or private roads intersecting scenic system highways.

20 **Sec. 94.** RCW 47.42.062 and 1975 1st ex.s. c 271 s 3 are each  
21 amended to read as follows:

22 Signs within six hundred and sixty feet (201.2 meters) of the  
23 nearest edge of the right of way which are visible from the main  
24 traveled way of the primary system within commercial and industrial  
25 areas and whose size, lighting, and spacing are consistent with the  
26 customary use of property for the effective display of outdoor  
27 advertising as set forth in this section may be erected and maintained:  
28 PROVIDED, That this section shall not serve to restrict type 3 signs  
29 located along any portion of the primary system within an incorporated  
30 city or town or within any commercial or industrial area.

31 (1) General: Signs shall not be erected or maintained which (a)  
32 imitate or resemble any official traffic sign, signal, or device; (b)  
33 are erected or maintained upon trees or painted or drawn upon rocks or  
34 other natural features and which are structurally unsafe or in  
35 disrepair; or (c) have any visible moving parts.

36 (2) Size of signs:

37 (a) The maximum area for any one sign shall be six hundred seventy-  
38 two square feet (62.4 square meters) with a maximum height of twenty-



1 five feet (7.6 meters) and maximum length of fifty feet (15.2 meters)  
2 inclusive of any border and trim but excluding the base or apron,  
3 supports and other structural members: PROVIDED, That cut-outs and  
4 extensions may add up to twenty percent of additional sign area.

5 (b) For the purposes of this subsection, double-faced, back-to-  
6 back, or V-type signs shall be considered as two signs.

7 (c) Signs which exceed three hundred twenty-five square feet (30.2  
8 square meters) in area may not be double-faced (abutting and facing the  
9 same direction).

10 (3) Spacing of signs:

11 (a) Signs may not be located in such a manner as to obscure, or  
12 otherwise physically interfere with the effectiveness of an official  
13 traffic sign, signal, or device, obstruct or physically interfere with  
14 the driver's view of approaching, merging, or intersecting traffic.

15 (b) On limited access highways established pursuant to chapter  
16 47.52 RCW no two signs shall be spaced less than one thousand feet  
17 (304.8 meters) apart, and no sign may be located within three thousand  
18 feet (914 meters) of the center of an interchange, a safety rest area,  
19 or information center, or within one thousand feet (304.8 meters) of an  
20 intersection at grade. Double-faced signs shall be prohibited. Not  
21 more than a total of five sign structures shall be permitted on both  
22 sides of the highway per mile (1.6 kilometers).

23 (c) On noncontrolled access highways inside the boundaries of  
24 incorporated cities and towns not more than a total of four sign  
25 structures on both sides of the highway within a space of six hundred  
26 sixty feet (201.2 meters) shall be permitted with a minimum of one  
27 hundred feet (30.5 meters) between sign structures. In no event,  
28 however, shall more than four sign structures be permitted between  
29 platted intersecting streets or highways. On noncontrolled access  
30 highways outside the boundaries of incorporated cities and towns  
31 minimum spacing between sign structures on each side of the highway  
32 shall be five hundred feet (152.4 meters).

33 (d) For the purposes of this subsection, a back-to-back sign and a  
34 V-type sign shall be considered one sign structure.

35 (e) Official signs, and signs advertising activities conducted on  
36 the property on which they are located shall not be considered in  
37 determining compliance with the above spacing requirements. The  
38 minimum space between structures shall be measured along the nearest  
39 edge of the pavement between points directly opposite the signs along

1 each side of the highway and shall apply to signs located on the same  
2 side of the highway.

3 (4) Lighting: Signs may be illuminated, subject to the following  
4 restrictions:

5 (a) Signs which contain, include, or are illuminated by any  
6 flashing, intermittent, or moving light or lights are prohibited,  
7 except those giving public service information such as time, date,  
8 temperature, weather, or similar information.

9 (b) Signs which are not effectively shielded as to prevent beams or  
10 rays of light from being directed at any portion of the traveled ways  
11 of the highway and which are of such intensity or brilliance as to  
12 cause glare or to impair the vision of the driver of any motor vehicle,  
13 or which otherwise interfere with any driver's operation of a motor  
14 vehicle are prohibited.

15 (c) No sign shall be so illuminated that it interferes with the  
16 effectiveness of, or obscures an official traffic sign, device, or  
17 signal.

18 (d) All such lighting shall be subject to any other provisions  
19 relating to lighting of signs presently applicable to all highways  
20 under the jurisdiction of the state.

21 **Sec. 95.** RCW 47.42.063 and 1975 1st ex.s. c 271 s 4 are each  
22 amended to read as follows:

23 (1) Signs within six hundred and sixty feet (201.2 meters) of the  
24 nearest edge of the right of way lawfully erected and maintained which  
25 are visible from the main traveled way of the primary system within  
26 commercial and industrial areas on June 1, 1971 shall be permitted to  
27 remain and be maintained.

28 (2) Signs within six hundred and sixty feet (201.2 meters) of the  
29 nearest edge of the right of way which are visible from the main  
30 traveled way of the primary system within commercial and industrial  
31 areas whose size, lighting, and spacing are consistent with customary  
32 use as set forth in RCW 47.42.062 may be erected and maintained. Signs  
33 lawfully erected and maintained on June 1, 1971, shall be included in  
34 the determination of spacing requirements for additional signs.

35 **Sec. 96.** RCW 47.42.065 and 1975 1st ex.s. c 271 s 5 are each  
36 amended to read as follows:

1       Notwithstanding any other provision of chapter 47.42 RCW, signs may  
2 be erected and maintained more than six hundred and sixty feet (201.2  
3 meters) from the nearest edge of the right of way which are visible  
4 from the main traveled way of the interstate system, primary system, or  
5 scenic system when designed and oriented to be viewed from highways or  
6 streets other than the interstate system, primary system, or the scenic  
7 system and the advertising or informative contents of which may not be  
8 clearly comprehended by motorists using the main traveled way of the  
9 interstate system, primary system or scenic system.

10       **Sec. 97.** RCW 47.42.130 and 1984 c 7 s 233 are each amended to read  
11 as follows:

12       Every permit issued by the department shall be assigned a separate  
13 identification number, and each permittee shall fasten to each sign a  
14 weatherproof label, not larger than six square inches (3871 square  
15 millimeters), that shall be furnished by the department and on which  
16 shall be plainly visible the permit number. The permittee shall also  
17 place his or her name in a conspicuous position on the front or back of  
18 each sign. The failure of a sign to have such a label affixed to it is  
19 prima facie evidence that it is not in compliance with the provisions  
20 of this chapter.

21       **Sec. 98.** RCW 47.44.050 and 1984 c 7 s 237 are each amended to read  
22 as follows:

23       The department is empowered to grant a permit to construct or  
24 maintain on, over, across, or along any state highway any water, gas,  
25 telephone, telegraph, light, power, or other such facilities when they  
26 do not extend along the state highway for a distance greater than three  
27 hundred feet (91.4 meters). The department may require such  
28 information as it deems necessary in the application for any such  
29 permit, and may grant or withhold the permit within its discretion.  
30 Any permit granted may be canceled at any time, and any facilities  
31 remaining upon the right of way of the state highway after thirty days  
32 written notice of the cancellation (~~(is—{are})~~) are an unlawful  
33 obstruction and may be removed in the manner provided by law.

34       **Sec. 99.** RCW 47.52.090 and 1984 c 7 s 241 are each amended to read  
35 as follows:

1       The highway authorities of the state, counties, incorporated cities  
2 and towns, and municipal corporations owning or operating an urban  
3 public transportation system are authorized to enter into agreements  
4 with each other, or with the federal government, respecting the  
5 financing, planning, establishment, improvement, construction,  
6 maintenance, use, regulation, or vacation of limited access facilities  
7 in their respective jurisdictions to facilitate the purposes of this  
8 chapter. Any such agreement may provide for the exclusive or  
9 nonexclusive use of a portion of the facility by street cars, trains,  
10 or other vehicles forming a part of an urban public transportation  
11 system and for the erection, construction, and maintenance of  
12 structures and facilities of such a system including facilities for the  
13 receipt and discharge of passengers. Within incorporated cities and  
14 towns the title to every state limited access highway vests in the  
15 state, and, notwithstanding any other provision of this section, the  
16 department shall exercise full jurisdiction, responsibility, and  
17 control to and over the highway from the time it is declared to be  
18 operational as a limited access facility by the department, subject to  
19 the following provisions:

20       (1) Cities and towns shall regulate all traffic restrictions on  
21 such facilities except as provided in RCW 46.61.430, and all  
22 regulations adopted are subject to approval of the department before  
23 becoming effective. Nothing herein precludes the state patrol or any  
24 county, city, or town from enforcing any traffic regulations and  
25 restrictions prescribed by state law, county resolution, or municipal  
26 ordinance.

27       (2) The city, town, or franchise holder shall at its own expense  
28 maintain its underground facilities beneath the surface across the  
29 highway and has the right to construct additional facilities  
30 underground or beneath the surface of the facility or necessary  
31 overcrossings of power lines and other utilities as may be necessary  
32 insofar as the facilities do not interfere with the use of the right of  
33 way for limited access highway purposes. The city or town has the  
34 right to maintain any municipal utility and the right to open the  
35 surface of the highway. The construction, maintenance until permanent  
36 repair is made, and permanent repair of these facilities shall be done  
37 in a time and manner authorized by permit to be issued by the  
38 department or its authorized representative, except to meet emergency  
39 conditions for which no permit will be required, but any damage

1 occasioned thereby shall promptly be repaired by the city or town  
2 itself, or at its direction. Where a city or town is required to  
3 relocate overhead facilities within the corporate limits of a city or  
4 town as a result of the construction of a limited access facility, the  
5 cost of the relocation shall be paid by the state.

6 (3) Cities and towns have the right to grant utility franchises  
7 crossing the facility underground and beneath its surface insofar as  
8 the franchises are not inconsistent with the use of the right of way  
9 for limited access facility purposes and the franchises are not in  
10 conflict with state laws. The department is authorized to enforce, in  
11 an action brought in the name of the state, any condition of any  
12 franchise that a city or town has granted. No franchise for  
13 transportation of passengers in motor vehicles may be granted on such  
14 highways without the approval of the department, except cities and  
15 towns are not required to obtain a franchise for the operation of  
16 municipal vehicles or vehicles operating under franchises from the city  
17 or town operating within the corporate limits of a city or town and  
18 within a radius not exceeding eight miles (12.9 kilometers) outside the  
19 corporate limits for public transportation on such facilities, but  
20 these vehicles may not stop on the limited access portion of the  
21 facility to receive or to discharge passengers unless appropriate  
22 special lanes or deceleration, stopping, and acceleration space is  
23 provided for the vehicles.

24 Every franchise or permit granted any person by a city or town for  
25 use of any portion of a limited access facility shall require the  
26 grantee or permittee to restore, permanently repair, and replace to its  
27 original condition any portion of the highway damaged or injured by it.  
28 Except to meet emergency conditions, the construction and permanent  
29 repair of any limited access facility by the grantee of a franchise  
30 shall be in a time and manner authorized by a permit to be issued by  
31 the department or its authorized representative.

32 (4) The department has the right to use all storm sewers that are  
33 adequate and available for the additional quantity of run-off proposed  
34 to be passed through such storm sewers.

35 (5) The construction and maintenance of city streets over and under  
36 crossings and surface intersections of the limited access facility  
37 shall be in accordance with the governing policy entered into between  
38 the department and the association of Washington cities on June 21,

1 1956, or as such policy may be amended by agreement between the  
2 department and the association of Washington cities.

3 **Sec. 100.** RCW 47.56.220 and 1983 c 3 s 128 are each amended to  
4 read as follows:

5 Except as otherwise provided in RCW 47.56.291, 47.56.714, and  
6 47.56.756, as long as any of the bonds issued hereunder for the  
7 construction of any toll bridge are outstanding and unpaid, there shall  
8 not be erected, constructed, or maintained any other bridge or other  
9 crossing over, under, through, or across the waters over which such  
10 toll bridge is located or constructed, connecting or joining directly  
11 or indirectly the lands or extensions thereof or abutments thereon on  
12 both sides of the waters spanned or crossed by such toll bridge within  
13 a distance of ten miles (16.1 kilometers) from either side of such toll  
14 bridge excepting bridges or other highway crossings actually in  
15 existence and being maintained, or for which there was outstanding an  
16 existing and lawfully issued franchise, at the time of the location of  
17 such toll bridge and prior to the time of the authorization of such  
18 bonds, and no ferry or other similar means of crossing the said waters  
19 within the said distance and connecting or plying directly or  
20 indirectly between the lands or extensions thereof or abutments thereon  
21 on both sides of the waters spanned or crossed by such bridge shall be  
22 maintained or operated or permitted or allowed: PROVIDED, That ferries  
23 and other similar means of crossing actually in existence and being  
24 maintained and operated, or for which there was outstanding an existing  
25 and lawfully issued franchise, at the time of the location of such  
26 bridge and prior to the time of the authorization of such bonds, may  
27 continue and be permitted to be operated and maintained under such  
28 existing rights and franchises, or any lawful renewal or extension  
29 thereof. The provisions of this section shall be binding upon the  
30 state department of transportation, the state of Washington, and all of  
31 its departments, agencies, or instrumentalities as well as any and all  
32 private, political, municipal, and public corporations and  
33 subdivisions, including cities, counties, and other political  
34 subdivisions, and the prohibitions of this section shall restrict and  
35 limit the powers of the legislature of the state of Washington in  
36 respect to the matters herein mentioned as long as any of such bonds  
37 are outstanding and unpaid and shall be deemed to constitute a contract  
38 to that effect for the benefit of the holders of all such bonds.

1       **Sec. 101.** RCW 47.58.010 and 1984 c 7 s 288 are each amended to  
2 read as follows:

3       Whenever the legislature specifically authorizes, as a single  
4 project, the construction of an additional toll bridge, including  
5 approaches, and the reconstruction of an existing adjacent bridge,  
6 including approaches, and the imposition of tolls on both bridges, the  
7 department is authorized to enter into appropriate agreements  
8 whereunder the existing bridge or its approaches will be reconstructed  
9 and improved and an additional bridge, including approaches and  
10 connecting highways will be constructed as a part of the same project  
11 to be located adjacent to or within two miles (3.2 kilometers) of the  
12 existing bridge and will be financed through the issuance of revenue  
13 bonds of the same series. The department has the right to impose tolls  
14 for traffic over the existing bridge as well as the additional bridge  
15 for the purpose of paying the cost of operation and maintenance of the  
16 bridge or bridges and the interest on and creating a sinking fund for  
17 retirement of revenue bonds issued for account of such project, all in  
18 the manner permitted and provided by this chapter.

19       **Sec. 102.** RCW 47.68.350 and 1984 c 7 s 362 are each amended to  
20 read as follows:

21       The secretary may require owners, operators, lessees, or others  
22 having the control or management of structures or obstacles over one  
23 hundred fifty feet (45.7 meters) above ground or water level and that  
24 are or may become a hazard to air flight to report the location of the  
25 existing or proposed structures or obstacles to the department. For  
26 that purpose the secretary may issue subpoenas and subpoenas duces  
27 tecum returnable within twenty days to the department. If a person  
28 refuses to obey the secretary's subpoena, the department may certify to  
29 the superior court all facts of the refusal. The court shall summarily  
30 hear evidence on the refusal, and, if the evidence warrants, punish the  
31 person refusing in the same manner and to the same extent as a contempt  
32 committed before the court.

33       **Sec. 103.** RCW 48.18.297 and 1969 ex.s. c 241 s 24 are each amended  
34 to read as follows:

35       A private passenger automobile as used in RCW 48.18.291 through  
36 48.18.297 shall mean:

1 (1) An individually owned motor vehicle of the private passenger or  
2 station wagon type that is not used as a public or livery conveyance  
3 for passengers, nor rented to others.

4 (2) Any other individually owned four-wheel motor vehicle with a  
5 load capacity of fifteen hundred pounds (680 kilograms) or less which  
6 is not used in the occupation, profession, or business of the insured.

7 **Sec. 104.** RCW 49.24.010 and 1937 c 131 s 1 are each amended to  
8 read as follows:

9 The term "pressure" means gauge air pressure in pounds per square  
10 inch (kilopascals).

11 **Sec. 105.** RCW 49.24.020 and 1937 c 131 s 2 are each amended to  
12 read as follows:

13 Every employer of persons for work in compressed air shall:

14 (1) Connect at least two air pipes with the working chamber and  
15 keep such pipes in perfect working condition;

16 (2) Attach to the working chamber in accessible positions all  
17 instruments necessary to show its pressure and keep such instruments in  
18 charge of competent persons, with a period of duty for each such person  
19 not exceeding six hours in any twenty-four;

20 (3) Place in each shaft a safe ladder extending its entire length;

21 (4) Light properly and keep clear such passageway;

22 (5) Provide independent lighting systems for the working chamber  
23 and shaft leading to it, when electricity is used for lighting;

24 (6) Guard lights other than electric lights;

25 (7) Protect workmen by a shield erected in the working chamber when  
26 such chamber is less than ten feet (3 meters) long and is suspended  
27 with more than nine feet (2.7 meters) of space between its deck and the  
28 bottom of the excavation;

29 (8) Provide for and keep accessible to employees working in  
30 compressed air a dressing room heated, lighted and ventilated properly  
31 and supplied with benches, lockers, sanitary waterclosets, bathing  
32 facilities and hot and cold water;

33 (9) Establish and maintain a medical lock properly heated, lighted,  
34 ventilated and supplied with medicines and surgical implements, when  
35 the maximum air pressure exceeds seventeen pounds per square inch (117  
36 kilopascals).



1       **Sec. 106.** RCW 49.24.080 and 1973 1st ex.s. c 154 s 89 are each  
2 amended to read as follows:

3       Every person, firm or corporation constructing, building or  
4 operating a tunnel, quarry, caisson or subway, excepting in connection  
5 with mines, with or without compressed air, shall in the employment of  
6 any labor comply with the following safety provisions:

7       (1) A safety miner shall be selected by the crew on each shift who  
8 shall check the conditions necessary to make the working place safe;  
9 such as loose rock, faulty timbers, poor rails, lights, ladders,  
10 scaffolds, fan pipes and firing lines.

11       (2) Ventilating fans shall be installed from twenty-five to one  
12 hundred feet (7.6 to 30.5 meters) outside the portal.

13       (3) No employee shall be allowed to "bar down" without the  
14 assistance of another employee.

15       (4) No employee shall be permitted to return to the heading until  
16 at least thirty minutes after blasting.

17       (5) Whenever persons are employed in wet places, the employer shall  
18 furnish such persons with rubbers, boots, coats and hats. All boots if  
19 worn previously by an employee shall be sterilized before being  
20 furnished to another: PROVIDED, That RCW 49.24.080 through 49.24.380  
21 shall not apply to the operation of a railroad except that new  
22 construction of tunnels, caissons or subways in connection therewith  
23 shall be subject to the provisions of RCW 49.24.080 through 49.24.380:  
24 PROVIDED, FURTHER, That in the event of repair work being done in a  
25 railroad tunnel, no person shall be compelled to perform labor until  
26 the air has been cleared of smoke, gas and fumes.

27       **Sec. 107.** RCW 49.24.120 and 1941 c 194 s 5 are each amended to  
28 read as follows:

29       All reasonable precaution shall be taken against fire, and  
30 provisions shall be made so that water lines shall be available for use  
31 at all times. Fire hose connections with hose connected shall be  
32 installed in all power plants and work houses. There shall be fire  
33 hose connections within reasonable distance of all caissons. Fire hose  
34 shall be connected at either side of a tunnel bulkhead, with at least  
35 fifty feet (15.2 meters) of hose with nozzle connection. Water lines  
36 shall extend into each tunnel with hose connections every two hundred  
37 feet (61 meters) and shall be kept ready for use at all times.

1       **Sec. 108.** RCW 49.24.130 and 1941 c 194 s 6 are each amended to  
2 read as follows:

3       (1) Whenever the air pressure in a tunnel heading exceeds twenty-  
4 one pounds per square inch (144 kilopascals) above atmospheric  
5 pressure, two air chambers shall always be in use, except for such time  
6 as may be necessary when headings are being started from shafts; and  
7 whenever practicable the pressure in the outer chamber shall not exceed  
8 one-half the pressure in the heading;

9       (2) In all tunnels sixteen feet (4.88 meters) in diameter or over,  
10 hanging walks shall be provided from working face to nearest lock. An  
11 overhead clearance of six feet (1.8 meters) shall be maintained and  
12 suitable ramps provided under all safety screens.

13       **Sec. 109.** RCW 49.24.140 and 1941 c 194 s 7 are each amended to  
14 read as follows:

15       (1) Each bulkhead in tunnels of twelve feet (3.6 meters) or more in  
16 diameter or equivalent area, shall have at least two locks in perfect  
17 working condition, one of which shall be used as a man lock. An  
18 additional lock for use in case of emergency shall be held in reserve.

19       (2) The man lock shall be large enough so that those using it are  
20 not compelled to be in a cramped position, and shall not be less than  
21 five feet (1.52 meters) in height. Emergency locks shall be large  
22 enough to hold an entire heading shift.

23       (3) All locks used for decompression shall be lighted by  
24 electricity and shall contain a pressure gauge, a time piece, a glass  
25 "bull's eye" in each door or in each end, and shall also have  
26 facilities for heating.

27       (4) Valves shall be so arranged that the locks can be operated both  
28 from within and from without.

29       **Sec. 110.** RCW 49.24.230 and 1941 c 194 s 16 are each amended to  
30 read as follows:

31       When firing by electricity from power or lighting wires, a proper  
32 switch shall be furnished with lever down when "off".

33       The switch shall be fixed in a locked box to which no person shall  
34 have access except the blaster. There shall be provided flexible leads  
35 or connecting wires not less than five feet (1.52 meters) in length  
36 with one end attached to the incoming lines and the other end provided  
37 with plugs that can be connected to an effective ground. After

1 blasting, the switch lever shall be pulled out, the wires disconnected  
2 and the box locked before any person shall be allowed to return, and  
3 shall remain so locked until again ready to blast.

4 In the working chamber all electric light wires shall be provided  
5 with a disconnecting switch, which must be thrown to disconnect all  
6 current from the wires in the working chamber before electric light  
7 wires are removed or the charge exploded.

8 Before blasting the blaster shall cause a sufficient warning to be  
9 sounded and shall compel all persons to retreat to a safe shelter,  
10 before he sets off the blast, and shall permit no one to return until  
11 conditions are safe.

12 **Sec. 111.** RCW 49.24.260 and 1941 c 194 s 19 are each amended to  
13 read as follows:

14 All shafting used in pneumatic caissons shall be provided with  
15 ladders, which are to be kept clear and in good condition at all times.  
16 The distance between the centers of the rungs of a ladder shall not  
17 exceed fourteen inches (356 millimeters) and shall not vary more than  
18 one inch (25.4 millimeters) in any one piece of shafting. The length  
19 of the ladder rungs shall not be less than nine inches (228  
20 millimeters). The rungs of the ladder shall in no case be less than  
21 three inches (77 millimeters) from the wall or other obstruction in the  
22 shafting or opening in which the ladder shall be used. Under no  
23 circumstances shall a ladder inclining backward from the vertical be  
24 installed. A suitable ladder shall be provided from the top of all  
25 locks to the surface.

26 All man shafts shall be lighted at a distance of every ten feet (3  
27 meters) with a guarded incandescent lamp.

28 All outside caisson air locks shall be provided with a platform not  
29 less than forty-two inches (1067 millimeters) wide, and provided with  
30 a guard rail forty-two inches (1067 millimeters) high.

31 All caissons in which fifteen or more men are employed shall have  
32 two locks, one of which shall be used as a man lock. Man locks and man  
33 shafts shall be in charge of a man whose duty it shall be to operate  
34 said lock and shaft. All caissons more than ten feet (3 meters) in  
35 diameter shall be provided with a separate man shaft, which shall be  
36 kept clear and in operating order at all times.

37 Locks shall be so located that the distance between the bottom door  
38 and water level shall be not less than three feet (0.92 meter).

1       **Sec. 112.** RCW 49.24.270 and 1989 c 12 s 15 are each amended to  
2 read as follows:

3       Wherever, in the prosecution of caisson work in which compressed  
4 air is employed, the working chamber is less than twelve feet (3.6  
5 meters) in length, and when such caissons are at any time suspended or  
6 hung while work is in progress, so that the bottom of the excavation is  
7 more than nine feet (2.7 meters) below the deck of the working chamber,  
8 a shield shall be erected therein for the protection of the workers.

9       **Sec. 113.** RCW 49.24.290 and 1941 c 194 s 22 are each amended to  
10 read as follows:

11       In all shafts where men are hoisted or lowered, an iron-bonneted  
12 cage shall be used for the conveyance of men, but this provision shall  
13 not apply to shafts in the process of sinking or during the dismantling  
14 of the shaft after work in the tunnel is substantially completed.

15       Cages shall be provided with bonnets consisting of two steel plates  
16 not less than three-sixteenths of an inch (5 millimeters) in thickness,  
17 sloping toward each side and so arranged that they may be readily  
18 pushed upward to afford egress to persons therein, and such bonnet  
19 shall cover the top of the cage in such manner as to protect persons in  
20 the cage from falling objects.

21       Cages shall be entirely enclosed on two sides with solid partition  
22 or wire mesh not less than No. 8 U.S. Standard (~~(gauge))~~ gage (gage  
23 number 8), no opening in which shall exceed two inches (50  
24 millimeters).

25       Cages shall be provided with hanging chains or other similar  
26 devices for hand holds.

27       Every cage shall be provided with an approved safety catch of  
28 sufficient strength to hold the cage with its maximum load at any point  
29 in the shaft.

30       All parts of the hoisting apparatus, cables, brakes, guides and  
31 fastenings shall be of the most substantial design and shall be  
32 arranged for convenient inspection. The efficiency of all safety  
33 devices shall be established by satisfactory tests before the cages are  
34 put into service and at least once every three months thereafter and a  
35 record thereof kept.

36       The test of the safety catch shall consist of releasing the cage  
37 suddenly in such manner that the safety catches shall have opportunity  
38 to grip the guides.

1       **Sec. 114.** RCW 49.24.300 and 1941 c 194 s 23 are each amended to  
2 read as follows:

3       In all vertical shafts in which hoisting is done by means of a  
4 bucket, suitable guides shall be provided when the depth exceeds ten  
5 times the diameter or width of the shaft, but in no case shall the  
6 maximum depth without guides exceed one hundred and fifty feet (45.7  
7 meters). In connection with the bucket, there shall be a crosshead  
8 traveling between these guides. The height of the crosshead shall be  
9 at least two-thirds of its width, but the height in no case shall be  
10 less than thirty inches (762 millimeters).

11       **Sec. 115.** RCW 49.24.310 and 1941 c 194 s 24 are each amended to  
12 read as follows:

13       Where tunnels are driven from shafts more than two hundred and  
14 fifty feet (76.2 meters) deep, a telephone system shall be established  
15 and maintained, communicating with the surface at each such shaft, and  
16 with a station or stations readily and quickly accessible to the men at  
17 the working level.

18       **Sec. 116.** RCW 49.24.320 and 1941 c 194 s 25 are each amended to  
19 read as follows:

20       (1) While work is in progress, tunnels, stairways, ladderways and  
21 all places on the surface where work is being conducted, shall be  
22 properly lighted. In shafts more than one hundred feet (30.5 meters)  
23 deep, the shaft below that point shall be lighted.

24       (2) All places where hoisting, pumping or other machinery is  
25 erected and in the proximity of which persons are working or moving  
26 about, shall be so lighted when the machine is in operation that the  
27 moving parts of such machine can be clearly distinguished.

28       **Sec. 117.** RCW 49.70.117 and 1992 c 173 s 2 are each amended to  
29 read as follows:

30       (1) If a pesticide having a reentry interval of greater than  
31 twenty-four hours is applied to a labor-intensive agricultural crop,  
32 the pesticide-treated area shall be posted with warning signs in  
33 accordance with the requirements of this section.

34       (2) When pesticide warning signs are required under this section,  
35 the employer shall post signs visible from all usual points of entry to  
36 the pesticide-treated area. If there are no usual points of entry or

1 the area is adjacent to an unfenced public right of way, signs shall be  
2 posted (a) at each corner of the pesticide-treated area, and (b) at  
3 intervals not exceeding six hundred feet (182.9 meters), or (c) at  
4 other locations approved by the department that provide maximum  
5 visibility.

6 (3) The signs shall be posted within twenty-four hours before the  
7 scheduled application of the pesticide, remain posted during  
8 application and throughout the applicable reentry interval, and be  
9 removed within two days after the expiration of the applicable reentry  
10 interval and before employee reentry is permitted. Employees working  
11 in an area scheduled for a pesticide application shall be informed of  
12 the application and shall vacate the area to be sprayed prior to  
13 application of the pesticide.

14 (4) Signs shall be legible for the duration of use. Signs shall  
15 contain a prominent symbol approved by the department of agriculture  
16 and the department of labor and industries by rule, and wording shall  
17 be in English and Spanish or other languages as required by the  
18 department. Signs shall meet the minimum specifications of rules  
19 adopted by the department, which rules shall include, at a minimum,  
20 size and lettering requirements.

21 **Sec. 118.** RCW 53.08.310 and 1986 c 260 s 1 are each amended to  
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this section and RCW 53.08.320.

25 (1) "Port charges" mean charges of a moorage facility operator for  
26 moorage and storage, and all other charges owing or to become owing  
27 under a contract between a vessel owner and the moorage facility  
28 operator, or under an officially adopted tariff including, but not  
29 limited to, costs of sale and related legal expenses.

30 (2) "Vessel" means every species of watercraft or other artificial  
31 contrivance capable of being used as a means of transportation on water  
32 and which does not exceed two hundred feet (61 meters) in length.  
33 "Vessel" includes any trailer used for the transportation of  
34 watercraft.

35 (3) "Moorage facility" means any properties or facilities owned or  
36 operated by a moorage facility operator which are capable of use for  
37 the moorage or storage of vessels.

1 (4) "Moorage facility operator" means any port district, city,  
2 town, metropolitan park district, or county which owns and/or operates  
3 a moorage facility.

4 (5) "Owner" means every natural person, firm, partnership,  
5 corporation, association, or organization, or agent thereof, with  
6 actual or apparent authority, who expressly or impliedly contracts for  
7 use of a moorage facility.

8 (6) "Transient vessel" means a vessel using a moorage facility and  
9 which belongs to an owner who does not have a moorage agreement with  
10 the moorage facility operator. Transient vessels include, but are not  
11 limited to: Vessels seeking a harbor of refuge, day use, or overnight  
12 use of a moorage facility on a space-as-available basis.

13 **Sec. 119.** RCW 53.08.350 and 1992 c 190 s 2 are each amended to  
14 read as follows:

15 No city, county, or county-wide port district in a county in the  
16 western part of Washington state as divided by the summit of the  
17 Cascade mountain range, with a population of one hundred fifty thousand  
18 or more on January 1, 1992, and contiguous to a county with a  
19 population of four hundred thousand or more may construct a runway of  
20 one thousand feet (304.8 meters) or more, or cause a runway to be  
21 extended, or permit an air carrier to initiate new service at any  
22 airport not presently receiving commercial service that is affected by  
23 this section, before the air transportation commission has submitted  
24 its final report to the legislative transportation committee, which  
25 shall occur no later than December 1, 1994.

26 **Sec. 120.** RCW 53.54.020 and 1984 c 193 s 1 are each amended to  
27 read as follows:

28 Prior to initiating programs as authorized in this chapter, the  
29 port commission shall undertake the investigation and monitoring of  
30 aircraft noise impact to determine the nature and extent of the impact.  
31 The port commission shall adopt a program of noise impact abatement  
32 based upon the investigations and as amended periodically to conform to  
33 needs demonstrated by the monitoring programs: PROVIDED, That in no  
34 case may the port district undertake any of the programs of this  
35 chapter in an area which is more than six miles (9.7 kilometers) beyond  
36 the paved end of any runway or more than one mile (1.6 kilometers) from  
37 the centerline of any runway or from an imaginary runway centerline

1 extending six (9.7 kilometers) miles from the paved end of such runway.  
2 Such areas as determined above, shall be known as "impacted areas".

3 **Sec. 121.** RCW 58.09.050 and 1973 c 50 s 5 are each amended to read  
4 as follows:

5 The records of survey to be filed under authority of this chapter  
6 shall be processed as follows:

7 (1) Surveys which qualify under RCW 58.09.040(1) shall be a map,  
8 legibly drawn, printed or reproduced by a process guaranteeing a  
9 permanent record in black on tracing cloth, or equivalent, eighteen by  
10 twenty-four inches (457 by 610 millimeters), or of a size as required  
11 by the county auditor. If ink is used on polyester base film, the ink  
12 shall be coated with a suitable substance to assure permanent  
13 legibility. A two inch (50 millimeters) margin shall be provided on  
14 the left edge and a one-half inch (13 millimeters) margin shall be  
15 provided at the other edges of the map.

16 (2) Information required by RCW 58.09.040(2) shall be recorded on  
17 a standard form eight and one-half inches (216 millimeters) by fourteen  
18 inches (356 millimeters) which shall be designed and prescribed by the  
19 bureau of surveys and maps.

20 (3) Two legible prints of each record of survey and records of  
21 monuments and accessories as required under the provisions of this  
22 chapter shall be furnished to the county auditor in the county in which  
23 the survey is to be recorded. The auditor shall keep one copy for his  
24 records and shall send the second to the bureau of surveys and maps at  
25 Olympia, Washington, with the auditor's record number thereon.

26 **Sec. 122.** RCW 58.09.090 and 1992 c 106 s 1 are each amended to  
27 read as follows:

28 (1) A record of survey is not required of any survey:

29 (a) When it has been made by a public officer in his official  
30 capacity and a reproducible copy thereof has been filed with the county  
31 engineer of the county in which the land is located. A map so filed  
32 shall be indexed and kept available for public inspection. A record of  
33 survey shall not be required of a survey made by the United States  
34 bureau of land management. A state agency conducting surveys to carry  
35 out the program of the agency shall not be required to use a land  
36 surveyor as defined by this chapter;

37 (b) When it is of a preliminary nature;



1 (c) When a map is in preparation for recording or shall have been  
2 recorded in the county under any local subdivision or platting law or  
3 ordinance;

4 (d) When it is a retracement or resurvey of boundaries of platted  
5 lots, tracts, or parcels shown on a filed or recorded and surveyed  
6 subdivision plat or filed or recorded and surveyed short subdivision  
7 plat in which monuments have been set to mark all corners of the block  
8 or street centerline intersections, provided that no discrepancy is  
9 found as compared to said recorded information or information revealed  
10 on other subsequent public survey map records, such as a record of  
11 survey or city or county engineer's map. If a discrepancy is found,  
12 that discrepancy must be clearly shown on the face of the required new  
13 record of survey. For purposes of this exemption, the term discrepancy  
14 shall include:

15 (i) A nonexistent or displaced original or replacement monument  
16 from which the parcel is defined and which nonexistence or displacement  
17 has not been previously revealed in the public record;

18 (ii) A departure from proportionate measure solutions which has not  
19 been revealed in the public record;

20 (iii) The presence of any physical evidence of encroachment or  
21 overlap by occupation or improvement; or

22 (iv) Differences in linear and/or angular measurement between all  
23 controlling monuments that would indicate differences in spatial  
24 relationship between said controlling monuments in excess of 0.50 feet  
25 (152 millimeters) when compared with all locations of public record:  
26 That is, if these measurements agree with any previously existing  
27 public record plat or map within the stated tolerance, a discrepancy  
28 will not be deemed to exist under this subsection.

29 (2) Surveys exempted by foregoing subsections of this section shall  
30 require filing of a record of corner information pursuant to RCW  
31 58.09.040(2).

32 **Sec. 123.** RCW 58.17.080 and 1982 c 23 s 1 are each amended to read  
33 as follows:

34 Notice of the filing of a preliminary plat of a proposed  
35 subdivision adjacent to or within one mile (1.6 kilometers) of the  
36 municipal boundaries of a city or town, or which contemplates the use  
37 of any city or town utilities shall be given to the appropriate city or  
38 town authorities. Any notice required by this chapter shall include

1 the hour and location of the hearing and a description of the property  
2 to be platted. Notice of the filing of a preliminary plat of a  
3 proposed subdivision located in a city or town and adjoining the  
4 municipal boundaries thereof shall be given to appropriate county  
5 officials. Notice of the filing of a preliminary plat of a proposed  
6 subdivision located adjacent to the right-of-way of a state highway or  
7 within two miles (3.2 kilometers) of the boundary of a state or  
8 municipal airport shall be given to the secretary of transportation.  
9 In the case of notification to the secretary of transportation, the  
10 secretary shall respond to the notifying authority within fifteen days  
11 of such notice as to the effect that the proposed subdivision will have  
12 on the state highway or the state or municipal airport.

13 **Sec. 124.** RCW 58.17.090 and 1995 c 347 s 426 are each amended to  
14 read as follows:

15 (1) Upon receipt of an application for preliminary plat approval  
16 the administrative officer charged by ordinance with responsibility for  
17 administration of regulations pertaining to platting and subdivisions  
18 shall provide public notice and set a date for a public hearing.  
19 Except as provided in RCW 36.70B.110, at a minimum, notice of the  
20 hearing shall be given in the following manner:

21 (a) Notice shall be published not less than ten days prior to the  
22 hearing in a newspaper of general circulation within the county and a  
23 newspaper of general circulation in the area where the real property  
24 which is proposed to be subdivided is located; and

25 (b) Special notice of the hearing shall be given to adjacent  
26 landowners by any other reasonable method local authorities deem  
27 necessary. Adjacent landowners are the owners of real property, as  
28 shown by the records of the county assessor, located within three  
29 hundred feet (91.4 meters) of any portion of the boundary of the  
30 proposed subdivision. If the owner of the real property which is  
31 proposed to be subdivided owns another parcel or parcels of real  
32 property which lie adjacent to the real property proposed to be  
33 subdivided, notice under this subsection (1)(b) shall be given to  
34 owners of real property located within three hundred feet (91.4 meters)  
35 of any portion of the boundaries of such adjacently located parcels of  
36 real property owned by the owner of the real property proposed to be  
37 subdivided.

1 (2) All hearings shall be public. All hearing notices shall  
2 include a description of the location of the proposed subdivision. The  
3 description may be in the form of either a vicinity location sketch or  
4 a written description other than a legal description.

5 **Sec. 125.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to  
6 read as follows:

7 A county, city, or town may adopt an ordinance providing for the  
8 administrative review of a preliminary plat without a public hearing by  
9 adopting an ordinance providing for such administrative review. The  
10 ordinance may specify a threshold number of lots in a subdivision above  
11 which a public hearing must be held, and may specify other factors  
12 which necessitate the holding of a public hearing. The administrative  
13 review process shall include the following minimum conditions:

14 (1) The notice requirements of RCW 58.17.090 shall be followed,  
15 except that the publication shall be made within ten days of the filing  
16 of the application. Additionally, at least ten days after the filing  
17 of the application notice both shall be: (a) Posted on or around the  
18 land proposed to be subdivided in at least five conspicuous places  
19 designed to attract public awareness of the proposal; and (b) mailed to  
20 the owner of each lot or parcel of property located within at least  
21 three hundred feet (91.4 meters) of the site. The applicant shall  
22 provide the county, city, or town with a list of such property owners  
23 and their addresses. The notice shall include notification that no  
24 public hearing will be held on the application, except as provided by  
25 this section. The notice shall set out the procedures and time  
26 limitations for persons to require a public hearing and make comments.

27 (2) Any person shall have a period of twenty days from the date of  
28 the notice to comment upon the proposed preliminary plat. All comments  
29 received shall be provided to the applicant. The applicant has seven  
30 days from receipt of the comments to respond thereto.

31 (3) A public hearing on the proposed subdivision shall be held if  
32 any person files a request for a hearing with the county, city, or town  
33 within twenty-one days of the publishing of such notice. If such a  
34 hearing is requested, notice requirements for the public hearing shall  
35 be in conformance with RCW 58.17.090, and the ninety-day period for  
36 approval or disapproval of the proposed subdivision provided for in RCW  
37 58.17.140 shall commence with the date of the filing of the request for  
38 a public hearing. Any hearing ordered under this subsection shall be

1 conducted by the planning commission or hearings officer as required by  
2 county or city ordinance.

3 (4) On its own initiative within twenty-one days of the filing of  
4 the request for approval of the subdivision, the governing body, or a  
5 designated employee or official, of the county, city, or town, shall be  
6 authorized to cause a public hearing to be held on the proposed  
7 subdivision within ninety days of the filing of the request for the  
8 subdivision.

9 (5) If the public hearing is waived as provided in this section,  
10 the planning commission or planning agency shall complete the review of  
11 the proposed preliminary plat and transmit its recommendation to the  
12 legislative body as provided in RCW 58.17.100.

13 **Sec. 126.** RCW 70.74.040 and 1970 ex.s. c 72 s 2 are each amended  
14 to read as follows:

15 No quantity in excess of three hundred thousand pounds (136 080  
16 kilograms), or the equivalent in blasting caps shall be had, kept or  
17 stored in any factory building or magazine in this state.

18 **Sec. 127.** RCW 70.74.191 and 1993 c 293 s 5 are each amended to  
19 read as follows:

20 The laws contained in this chapter and the ensuing regulations  
21 prescribed by the department of labor and industries shall not apply  
22 to:

23 (1) Explosives or blasting agents in the course of transportation  
24 by way of railroad, water, highway or air under the jurisdiction of,  
25 and in conformity with, regulations adopted by the federal department  
26 of transportation, the Washington state utilities and transportation  
27 commission and the Washington state patrol;

28 (2) The laboratories of schools, colleges and similar institutions  
29 if confined to the purpose of instruction or research and if not  
30 exceeding the quantity of one pound (0.45 kilogram);

31 (3) Explosives in the forms prescribed by the official United  
32 States Pharmacopoeia;

33 (4) The transportation, storage and use of explosives or blasting  
34 agents in the normal and emergency operations of federal agencies and  
35 departments including the regular United States military departments on  
36 military reservations, or the duly authorized militia of any state or

1 territory, or to emergency operations of any state department or  
2 agency, any police, or any municipality or county;

3 (5) The importation, sale, possession, and use of fireworks,  
4 signaling devices, flares, fuses, and torpedoes;

5 (6) The transportation, storage, and use of explosives or blasting  
6 agents in the normal and emergency avalanche control procedures as  
7 conducted by trained and licensed ski area operator personnel.  
8 However, the storage, transportation, and use of explosives and  
9 blasting agents for such use shall meet the requirements of regulations  
10 adopted by the director of labor and industries; and

11 (7) Any violation under this chapter if any existing ordinance of  
12 any city, municipality or county is more stringent than this chapter.

13 **Sec. 128.** RCW 70.74.250 and 1941 c 107 s 1 are each amended to  
14 read as follows:

15 Between the dates of January 15th and June 15th of each year it  
16 shall be unlawful for any person to do, or cause to be done, any  
17 blasting within fifteen hundred feet (457.2 meters) from any fur farm  
18 or commercial hatchery except in case of emergency without first giving  
19 to the person in charge of such farm or hatchery twenty-four hours  
20 notice: PROVIDED, HOWEVER, That in the case of an established quarry  
21 and sand and gravel operations, and where it is necessary for blasting  
22 to be done continually, the notice required in this section may be made  
23 at the beginning of the period each year when blasting is to be done.

24 **Sec. 129.** RCW 70.74.340 and 1970 ex.s. c 72 s 6 are each amended  
25 to read as follows:

26 Quantities of small arms smokeless propellant (class B) in shipping  
27 containers approved by the federal department of transportation not in  
28 excess of fifty pounds (22.6 kilograms) may be transported in a private  
29 vehicle.

30 Quantities in excess of twenty-five pounds (11.3 kilograms) but not  
31 to exceed fifty pounds (22.6 kilograms) in a private passenger vehicle  
32 shall be transported in an approved magazine as specified by the  
33 department of labor and industries rules and regulations.

34 Transportation of quantities in excess of fifty pounds (22.6  
35 kilograms) is prohibited in passenger vehicles: PROVIDED, That this  
36 requirement shall not apply to duly licensed dealers.

1 Transportation of quantities in excess of fifty pounds (22.6  
2 kilograms) shall be in accordance with federal department of  
3 transportation regulations.

4 Small arms smokeless propellant intended for personal use in  
5 quantities not to exceed twenty-five pounds (11.3 kilograms) may be  
6 stored without restriction in residences; quantities over twenty-five  
7 pounds (11.3 kilograms) but not to exceed fifty pounds (22.6 kilograms)  
8 shall be stored in a strong box or cabinet constructed with three-  
9 fourths inch (19 millimeters) plywood (minimum), or equivalent, on all  
10 sides, top, and bottom.

11 Black powder as used in muzzle loading firearms may be transported  
12 in a private vehicle or stored without restriction in private  
13 residences in quantities not to exceed five pounds (2.3 kilograms).

14 Not more than seventy-five pounds (34 kilograms) of small arms  
15 smokeless propellant, in containers of one pound (0.45 kilogram)  
16 maximum capacity may be displayed in commercial establishments.

17 Not more than twenty-five pounds (11.3 kilograms) of black powder  
18 as used in muzzle loading firearms may be stored in commercial  
19 establishments of which not more than four pounds (1.8 kilograms) in  
20 containers of one pound (0.45 kilogram) maximum capacity may be  
21 displayed.

22 Quantities in excess of one hundred fifty pounds (68 kilograms) of  
23 smokeless propellant or twenty-five pounds (11.3 kilograms) of black  
24 powder as used in muzzle loading firearms shall be stored in magazines  
25 constructed as specified in the rules and regulations for construction  
26 of magazines, and located in compliance with this chapter.

27 All small arms smokeless propellant when stored shall be packed in  
28 federal department of transportation approved containers.

29 **Sec. 130.** RCW 70.74.350 and 1969 ex.s. c 137 s 31 are each amended  
30 to read as follows:

31 Small arms ammunition primers shall not be transported or stored  
32 except in the original shipping container approved by the federal  
33 department of transportation.

34 Truck or rail transportation of small arms ammunition primers shall  
35 be in accordance with the federal regulation of the United States  
36 department of transportation.

1 No more than twenty-five thousand small arms ammunition primers  
2 shall be transported in a private passenger vehicle: PROVIDED, That  
3 this requirement shall not apply to duly licensed dealers.

4 Quantities not to exceed ten thousand small arms ammunition primers  
5 may be stored in a residence.

6 Small arms ammunition primers shall be separate from flammable  
7 liquids, flammable solids, and oxidizing materials by a fire-resistant  
8 wall of one-hour rating or by a distance of twenty-five feet (7.7  
9 meters).

10 Not more than seven hundred fifty thousand small arms ammunition  
11 primers shall be stored in any one building except as next provided; no  
12 more than one hundred thousand shall be stored in any one pile, and  
13 piles shall be separated by at least fifteen feet (4.6 meters).

14 Quantities of small arms ammunition primers in excess of seven  
15 hundred fifty thousand shall be stored in magazines in accordance with  
16 RCW 70.74.025.

17 **Sec. 131.** RCW 79.01.344 and 1927 c 255 s 86 are each amended to  
18 read as follows:

19 A right of way through, over and across any state lands not held  
20 under a contract of sale, is hereby granted to any railroad company  
21 organized under the laws of this state, or any state or territory of  
22 the United States, or under any act of congress of the United States,  
23 to any extent not exceeding fifty feet (15.2 meters) on either side of  
24 the center line of any railroad now constructed, or hereafter to be  
25 constructed, and for such greater width as is required for excavations,  
26 embankments, depots, station grounds, passing tracks or borrow pits,  
27 which extra width shall not in any case exceed two hundred feet (61  
28 meters) on either side of said right of way.

29 **Sec. 132.** RCW 79.90.030 and 1982 1st ex.s. c 21 s 5 are each  
30 amended to read as follows:

31 Whenever used in chapters 79.90 through 79.96 RCW the term "first  
32 class tidelands" means the shores of navigable tidal waters belonging  
33 to the state, lying within or in front of the corporate limits of any  
34 city, or within one mile (1.6 kilometers) thereof upon either side and  
35 between the line of ordinary high tide and the inner harbor line; and  
36 within two miles (3.2 kilometers) of the corporate limits on either

1 side and between the line of ordinary high tide and the line of extreme  
2 low tide.

3 **Sec. 133.** RCW 79.90.035 and 1982 1st ex.s. c 21 s 6 are each  
4 amended to read as follows:

5 Whenever used in chapters 79.90 through 79.96 RCW the term "second  
6 class tidelands" means the shores of navigable tidal waters belonging  
7 to the state, lying outside of and more than two miles (3.2 kilometers)  
8 from the corporate limits of any city, and between the line of ordinary  
9 high tide and the line of extreme low tide.

10 **Sec. 134.** RCW 79.90.040 and 1982 1st ex.s. c 21 s 7 are each  
11 amended to read as follows:

12 Whenever used in chapters 79.90 through 79.96 RCW the term "first  
13 class shorelands" means the shores of a navigable lake or river  
14 belonging to the state, not subject to tidal flow, lying between the  
15 line of ordinary high water and the line of navigability, or inner  
16 harbor line where established and within or in front of the corporate  
17 limits of any city or within two miles (3.2 kilometers) thereof upon  
18 either side.

19 **Sec. 135.** RCW 79.90.045 and 1982 1st ex.s. c 21 s 8 are each  
20 amended to read as follows:

21 Whenever used in chapters 79.90 through 79.96 RCW the term "second  
22 class shorelands" means the shores of a navigable lake or river  
23 belonging to the state, not subject to tidal flow, lying between the  
24 line of ordinary high water and the line of navigability, and more than  
25 two miles (3.2 kilometers) from the corporate limits of any city.

26 **Sec. 136.** RCW 79.92.030 and 1989 c 79 s 1 are each amended to read  
27 as follows:

28 The commission on harbor lines is hereby authorized to change,  
29 relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay  
30 in front of the city of Anacortes, Skagit county; in Grays Harbor in  
31 front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor  
32 county; Bellingham Bay in front of the city of Bellingham, Whatcom  
33 county; in Elliott Bay, Puget Sound and Lake Union within, and in front  
34 of the city of Seattle, King county, and within one mile (1.6  
35 kilometers) of the limits of such city; Port Angeles harbor in front of



1 the city of Port Angeles, Clallam county; in Lake Washington in front  
2 of the cities of Renton and Lake Forest Park, King county; Commencement  
3 Bay in front of the city of Tacoma, Pierce county; and within one mile  
4 (1.6 kilometers) of the limits of such city; Budd Inlet in front of the  
5 city of Olympia, Thurston county; the Columbia river in front of the  
6 city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair  
7 Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet  
8 in front of the city of Port Orchard, Kitsap county; in Liberty Bay in  
9 front of the city of Poulsbo, King county; the Columbia river in front  
10 of the city of Vancouver, Clark county; Port Townsend Bay in front of  
11 the city of Port Townsend, Jefferson county; the Swinomish Channel in  
12 front of the city of La Conner, Skagit county; and Port Gardner Bay in  
13 front of the city of Everett, Snohomish county, except no harbor lines  
14 shall be established west of the easterly shoreline of Jetty Island as  
15 presently situated or west of a line extending S 37° 09' 38" W from the  
16 Snohomish River Light (5); in Oakland Bay in front of the city of  
17 Shelton, Mason county; and within one mile (1.6 kilometers) of the  
18 limits of such city; in Gig Harbor in front of the city of Gig Harbor,  
19 Pierce county; and within one mile (1.6 kilometers) of the limits of  
20 such city.

21       **Sec. 137.** RCW 79.93.010 and 1982 1st ex.s. c 21 s 80 are each  
22 amended to read as follows:

23       It shall be the duty of the department of natural resources  
24 simultaneously with the establishment of harbor lines and the  
25 determination of harbor areas in front of any city or town, or as soon  
26 thereafter as practicable, to survey and plat all tide and shore lands  
27 of the first class not heretofore platted, and in platting the same to  
28 lay out streets which shall thereby be dedicated to public use, subject  
29 to the control of the cities or towns in which they are situated.

30       The department shall also establish one or more public waterways  
31 not less than fifty (15.2 meters) nor more than one thousand feet  
32 (304.8 meters) wide, beginning at the outer harbor line and extending  
33 inland across the tidelands belonging to the state. These waterways  
34 shall include within their boundaries, as nearly as practicable, all  
35 navigable streams running through such tidelands, and shall be located  
36 at such other places as in the judgment of the department may be  
37 necessary for the present and future convenience of commerce and  
38 navigation. All waterways shall be reserved from sale or lease and

1 remain as public highways for watercraft until vacated as provided for  
2 in this chapter.

3 The department shall appraise the value of such platted tide and  
4 shore lands and enter such appraisals in its records in the office of  
5 the commissioner of public lands.

6 **Sec. 138.** RCW 81.36.010 and 1961 c 14 s 81.36.010 are each amended  
7 to read as follows:

8 Every corporation organized for the construction of any railway,  
9 macadamized road, plank road, clay road, canal or bridge, is hereby  
10 authorized and empowered to appropriate, by condemnation, land and any  
11 interest in land or contract right relating thereto, including any  
12 leasehold interest therein and any rights-of-way for tunnels beneath  
13 the surface of the land, and any elevated rights-of-way above the  
14 surface thereof, including lands granted to the state for university,  
15 school or other purposes, and also tide and shore lands belonging to  
16 the state (but not including harbor areas), which may be necessary for  
17 the line of such road, railway or canal, or site of such bridge, not  
18 exceeding two hundred feet (61 meters) in width, besides a sufficient  
19 quantity thereof for toll houses, workshops, materials for  
20 construction, excavations and embankments and a right-of-way over  
21 adjacent lands or property, to enable such corporation to construct and  
22 prepare its road, railway, canal or bridge, and to make proper drains;  
23 and in case of a canal, whenever the court shall deem it necessary, to  
24 appropriate a sufficient quantity of land, including lands granted to  
25 the state for university, school or other purposes, in addition to that  
26 before specified in this section, for the construction and excavation  
27 of such canal and of the slopes and bermes thereof, not exceeding one  
28 thousand feet (304.8 meters) in total width; and in case of a railway  
29 to appropriate a sufficient quantity of any such land, including lands  
30 granted to the state for university, schools and other purposes and  
31 also tide and shore lands belonging to the state (but not including  
32 harbor areas) in addition to that before specified in this section, for  
33 the necessary side tracks, depots and water stations, and the right to  
34 conduct water thereto by aqueduct, and for yards, terminal, transfer  
35 and switching grounds, docks and warehouses required for receiving,  
36 delivering, storage and handling of freight, and such land, or any  
37 interest therein, as may be necessary for the security and safety of  
38 the public in the construction, maintenance and operation of its

1 railways; compensation therefor to be made to the owner thereof  
2 irrespective of any benefit from any improvement proposed by such  
3 corporation, in the manner provided by law: AND PROVIDED FURTHER, That  
4 if such corporation locate the bed of such railway or canal upon any  
5 part of the track now occupied by any established state or county road,  
6 said corporation shall be responsible to the state or county in which  
7 such state or county road so appropriated is located, for all expenses  
8 incurred by the state or county in relocating and opening the part of  
9 such road so appropriated. The term land as herein used includes tide  
10 and shore lands but not harbor areas; it also includes any interest in  
11 land or contract right relating thereto, including any leasehold  
12 interest therein.

13       **Sec. 139.** RCW 81.52.040 and 1961 c 14 s 81.52.040 are each amended  
14 to read as follows:

15       Any railroad corporation organized under the laws of this state or  
16 of any other state, and authorized to do business in this state and  
17 owning or operating a railway in this state, may construct, maintain  
18 and operate public spur tracks, from its railroad or any branch  
19 thereof, to and upon the grounds of any mill, elevator, storehouse,  
20 warehouse, dock, wharf, pier, manufacturing establishment, lumber yard,  
21 coal dock or other industry or enterprise, with all side tracks,  
22 storage tracks, wyes, turnouts, and connections necessary or convenient  
23 to the use of the same; and such company may acquire by purchase or  
24 condemnation, in the manner provided by the laws of this state for the  
25 acquisition of real estate for railway purposes, all necessary rights  
26 of way for such spur tracks, side tracks, storage tracks, wyes,  
27 turnouts and connections; said spur when constructed to be a public  
28 spur for the use of all industries located or thereafter located  
29 thereon: PROVIDED, That the right to acquire by condemnation herein  
30 granted shall not be exercised over unimproved lands for a greater  
31 distance than five miles (8.0 kilometers), or over improved lands for  
32 a greater distance than one mile (1.6 kilometers), or over lands within  
33 the limits of a municipal corporation for a greater distance than one-  
34 fourth of a mile (0.4 kilometer): PROVIDED FURTHER, That this section  
35 shall not be construed as limiting the rights granted under RCW  
36 81.36.060 through 81.36.090, relating to the construction of branch  
37 lines.

1       **Sec. 140.** RCW 81.53.080 and 1969 ex.s. c 210 s 9 are each amended  
2 to read as follows:

3       After February 24, 1937, no building, loading platform, or other  
4 structure which will tend to obstruct the vision of travelers on a  
5 highway or parkway, of approaching railway traffic, shall be erected or  
6 placed on railroad or public highway rights of way within a distance of  
7 one hundred feet (30.5 meters) of any grade crossing located outside  
8 the corporate limits of any city or town unless authorized by the  
9 commission, and no trains, railway cars or equipment shall be spotted  
10 less than one hundred feet (30.5 meters) from any grade crossing within  
11 or without the corporate limits of any city or town except to serve  
12 station facilities and existing facilities of industries.

13       The commission shall have the power to specify the minimum vertical  
14 and horizontal clearance of under-crossings constructed, repaired or  
15 reconstructed after February 24, 1937, except as to primary state  
16 highways.

17       **Sec. 141.** RCW 81.53.090 and 1961 c 14 s 81.53.090 are each amended  
18 to read as follows:

19       When a highway crosses a railroad by an over-crossing or under-  
20 crossing, the framework and abutments of the over-crossing or under-  
21 crossing, as the case may be, shall be maintained and kept in repair by  
22 the railroad company, and the roadway thereover or thereunder and  
23 approaches thereto shall be maintained and kept in repair by the county  
24 or municipality in which the same are situated, or if the highway is a  
25 state road or parkway, the roadway over or under the railroad shall be  
26 maintained and kept in repair as provided by law for the maintenance  
27 and repair of state roads and parkways.

28       The railings of over-crossings shall be considered a part of the  
29 roadway. Whenever a highway intersects a railroad at common grade, the  
30 roadway approaches within one foot (0.3 meter) of the outside of either  
31 rail shall be maintained and kept in repair by highway authority, and  
32 the planking or other materials between the rails and for one foot (0.3  
33 meter) on the outside thereof shall be installed and maintained by the  
34 railroad company. At crossings involving more than one track,  
35 maintenance by the railroad company shall include that portion of the  
36 crossing between and for one foot (0.3 meter) on the outside of each  
37 outside rail. The minimum length of such planking or other materials

1 shall be twenty feet (6.1 meters) on installation or repairs made after  
2 February 24, 1937.

3 **Sec. 142.** RCW 82.08.0287 and 1995 c 274 s 2 are each amended to  
4 read as follows:

5 The tax imposed by this chapter shall not apply to sales of  
6 passenger motor vehicles which are to be used as ride-sharing vehicles,  
7 as defined in RCW 46.74.010(3), by not less than five persons,  
8 including the driver, with a gross vehicle weight not to exceed 10,000  
9 pounds (4536 kilograms) where the primary usage is for commuter ride-  
10 sharing, as defined in RCW 46.74.010(1), or by not less than four  
11 persons including the driver when at least two of those persons are  
12 confined to wheelchairs when riding, or passenger motor vehicles where  
13 the primary usage is for ride-sharing for the elderly and the  
14 handicapped, as defined in RCW 46.74.010(2), if the ride-sharing  
15 vehicles are exempt under RCW 82.44.015 for thirty-six consecutive  
16 months beginning within thirty days of application for exemption under  
17 this section. If used as a ride-sharing vehicle for less than thirty-  
18 six consecutive months, the registered owner of one of these vehicles  
19 shall notify the department of revenue upon termination of primary use  
20 of the vehicle as a ride-sharing vehicle and is liable for the tax  
21 imposed by this chapter.

22 To qualify for the tax exemption, those passenger motor vehicles  
23 with five or six passengers, including the driver, used for commuter  
24 ride-sharing, must be operated either within the state's eight largest  
25 counties that are required to develop commute trip reduction plans as  
26 directed by chapter 70.94 RCW or in other counties, or cities and towns  
27 within those counties, that elect to adopt and implement a commute trip  
28 reduction plan. Additionally at least one of the following conditions  
29 must apply: (1) The vehicle must be operated by a public  
30 transportation agency for the general public; or (2) the vehicle must  
31 be used by a major employer, as defined in RCW 70.94.524 as an element  
32 of its commute trip reduction program for their employees; or (3) the  
33 vehicle must be owned and operated by individual employees and must be  
34 registered either with the employer as part of its commute trip  
35 reduction program or with a public transportation agency serving the  
36 area where the employees live or work. Individual employee owned and  
37 operated motor vehicles will require certification that the vehicle is  
38 registered with a major employer or a public transportation agency.

1 Major employers who own and operate motor vehicles for their employees  
2 must certify that the commuter ride-sharing arrangement conforms to a  
3 carpool/vanpool element contained within their commute trip reduction  
4 program.

5 **Sec. 143.** RCW 82.12.0282 and 1993 c 488 s 4 are each amended to  
6 read as follows:

7 The tax imposed by this chapter shall not apply with respect to the  
8 use of passenger motor vehicles used as ride-sharing vehicles, as  
9 defined in RCW 46.74.010(3), by not less than five persons, including  
10 the driver, with a gross vehicle weight not to exceed 10,000 pounds  
11 (4536 kilograms) where the primary usage is for commuter ride-sharing,  
12 as defined in RCW 46.74.010(1), or passenger motor vehicles where the  
13 primary usage is for ride-sharing for the elderly and the handicapped,  
14 as defined in RCW 46.74.010(2), if the vehicles are exempt under RCW  
15 82.44.015 for thirty-six consecutive months beginning within thirty  
16 days of application for exemption under this section. If used as a  
17 ride-sharing vehicle for less than thirty-six consecutive months, the  
18 registered owner of one of these vehicles shall notify the department  
19 of revenue upon termination of primary use of the vehicle as a ride-  
20 sharing vehicle and is liable for the tax imposed by this chapter.

21 To qualify for the tax exemption, those passenger motor vehicles  
22 with five or six passengers, including the driver, used for commuter  
23 ride-sharing, must be operated either within the state's eight largest  
24 counties that are required to develop commute trip reduction plans as  
25 directed by chapter 70.94 RCW or in other counties, or cities and towns  
26 within those counties, that elect to adopt and implement a commute trip  
27 reduction plan. Additionally at least one of the following conditions  
28 must apply: (1) The vehicle must be operated by a public  
29 transportation agency for the general public; or (2) the vehicle must  
30 be used by a major employer, as defined in RCW 70.94.524 as an element  
31 of its commute trip reduction program for their employees; or (3) the  
32 vehicle must be owned and operated by individual employees and must be  
33 registered either with the employer as part of its commute trip  
34 reduction program or with a public transportation agency serving the  
35 area where the employees live or work. Individual employee owned and  
36 operated motor vehicles will require certification that the vehicle is  
37 registered with a major employer or a public transportation agency.  
38 Major employers who own and operate motor vehicles for their employees

1 must certify that the commuter ride-sharing arrangement conforms to a  
2 carpool/vanpool element contained within their commute trip reduction  
3 program.

4       **Sec. 144.** RCW 82.16.010 and 1994 c 163 s 4 are each amended to  
5 read as follows:

6       For the purposes of this chapter, unless otherwise required by the  
7 context:

8       (1) "Railroad business" means the business of operating any  
9 railroad, by whatever power operated, for public use in the conveyance  
10 of persons or property for hire. It shall not, however, include any  
11 business herein defined as an urban transportation business.

12       (2) "Express business" means the business of carrying property for  
13 public hire on the line of any common carrier operated in this state,  
14 when such common carrier is not owned or leased by the person engaging  
15 in such business.

16       (3) "Railroad car business" means the business of renting, leasing  
17 or operating stock cars, furniture cars, refrigerator cars, fruit cars,  
18 poultry cars, tank cars, sleeping cars, parlor cars, buffet cars,  
19 tourist cars, or any other kinds of cars used for transportation of  
20 property or persons upon the line of any railroad operated in this  
21 state when such railroad is not owned or leased by the person engaging  
22 in such business.

23       (4) "Water distribution business" means the business of operating  
24 a plant or system for the distribution of water for hire or sale.

25       (5) "Light and power business" means the business of operating a  
26 plant or system for the generation, production or distribution of  
27 electrical energy for hire or sale and/or for the wheeling of  
28 electricity for others.

29       (6) "Telegraph business" means the business of affording  
30 telegraphic communication for hire.

31       (7) "Gas distribution business" means the business of operating a  
32 plant or system for the production or distribution for hire or sale of  
33 gas, whether manufactured or natural.

34       (8) "Motor transportation business" means the business (except  
35 urban transportation business) of operating any motor propelled vehicle  
36 by which persons or property of others are conveyed for hire, and  
37 includes, but is not limited to, the operation of any motor propelled  
38 vehicle as an auto transportation company (except urban transportation

1 business), common carrier or contract carrier as defined by RCW  
2 81.68.010 and 81.80.010: PROVIDED, That "motor transportation  
3 business" shall not mean or include the transportation of logs or other  
4 forest products exclusively upon private roads or private highways.

5 (9) "Urban transportation business" means the business of operating  
6 any vehicle for public use in the conveyance of persons or property for  
7 hire, insofar as (a) operating entirely within the corporate limits of  
8 any city or town, or within five miles (8.0 kilometers) of the  
9 corporate limits thereof, or (b) operating entirely within and between  
10 cities and towns whose corporate limits are not more than five miles  
11 (8.0 kilometers) apart or within five miles (8.0 kilometers) of the  
12 corporate limits of either thereof. Included herein, but without  
13 limiting the scope hereof, is the business of operating passenger  
14 vehicles of every type and also the business of operating cartage,  
15 pickup, or delivery services, including in such services the collection  
16 and distribution of property arriving from or destined to a point  
17 within or without the state, whether or not such collection or  
18 distribution be made by the person performing a local or interstate  
19 line-haul of such property.

20 (10) "Public service business" means any of the businesses defined  
21 in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any  
22 business subject to control by the state, or having the powers of  
23 eminent domain and the duties incident thereto, or any business  
24 hereafter declared by the legislature to be of a public service nature,  
25 except telephone business as defined in RCW 82.04.065 and low-level  
26 radioactive waste site operating companies as redefined in RCW  
27 81.04.010. It includes, among others, without limiting the scope  
28 hereof: Airplane transportation, boom, dock, ferry, pipe line, toll  
29 bridge, toll logging road, water transportation and wharf businesses.

30 (11) "Tugboat business" means the business of operating tugboats,  
31 towboats, wharf boats or similar vessels in the towing or pushing of  
32 vessels, barges or rafts for hire.

33 (12) "Gross income" means the value proceeding or accruing from the  
34 performance of the particular public service or transportation business  
35 involved, including operations incidental thereto, but without any  
36 deduction on account of the cost of the commodity furnished or sold,  
37 the cost of materials used, labor costs, interest, discount, delivery  
38 costs, taxes, or any other expense whatsoever paid or accrued and  
39 without any deduction on account of losses.



1 (13) The meaning attributed, in chapter 82.04 RCW, to the term "tax  
2 year," "person," "value proceeding or accruing," "business," "engaging  
3 in business," "in this state," "within this state," "cash discount" and  
4 "successor" shall apply equally in the provisions of this chapter.

5 **Sec. 145.** RCW 84.36.079 and 1961 c 15 s 84.36.079 are each amended  
6 to read as follows:

7 All rights, title or interest in or to any vessel of more than one  
8 thousand ton (907.2 metric tons) burden, and the materials and parts  
9 held by the builder of the vessel at the site of construction for the  
10 specific purpose of incorporation therein, shall be exempt from  
11 taxation while the vessel is under construction within this state.

12 **Sec. 146.** RCW 88.24.040 and Code 1881 s 3274 are each amended to  
13 read as follows:

14 All wharves now standing, or hereafter to be built, in this state,  
15 shall be deemed insufficient, incomplete and unfinished unless they  
16 have good and substantial banisters or railing on the sides thereof, or  
17 a strip of hewn timber at least eight by ten inches (204 by 254  
18 millimeters) square, well secured all around said wharves within ten  
19 inches (254 millimeters) of the outer edge thereof, except at the ends.

20 **Sec. 147.** RCW 90.58.140 and 1995 c 347 s 309 are each amended to  
21 read as follows:

22 (1) A development shall not be undertaken on the shorelines of the  
23 state unless it is consistent with the policy of this chapter and,  
24 after adoption or approval, as appropriate, the applicable guidelines,  
25 rules, or master program.

26 (2) A substantial development shall not be undertaken on shorelines  
27 of the state without first obtaining a permit from the government  
28 entity having administrative jurisdiction under this chapter.

29 A permit shall be granted:

30 (a) From June 1, 1971, until such time as an applicable master  
31 program has become effective, only when the development proposed is  
32 consistent with: (i) The policy of RCW 90.58.020; and (ii) after their  
33 adoption, the guidelines and rules of the department; and (iii) so far  
34 as can be ascertained, the master program being developed for the area;

1 (b) After adoption or approval, as appropriate, by the department  
2 of an applicable master program, only when the development proposed is  
3 consistent with the applicable master program and this chapter.

4 (3) The local government shall establish a program, consistent with  
5 rules adopted by the department, for the administration and enforcement  
6 of the permit system provided in this section. The administration of  
7 the system so established shall be performed exclusively by the local  
8 government.

9 (4) Except as otherwise specifically provided in subsection (11) of  
10 this section, the local government shall require notification of the  
11 public of all applications for permits governed by any permit system  
12 established pursuant to subsection (3) of this section by ensuring that  
13 notice of the application is given by at least one of the following  
14 methods:

15 (a) Mailing of the notice to the latest recorded real property  
16 owners as shown by the records of the county assessor within at least  
17 three hundred feet (91.4 meters) of the boundary of the property upon  
18 which the substantial development is proposed;

19 (b) Posting of the notice in a conspicuous manner on the property  
20 upon which the project is to be constructed; or

21 (c) Any other manner deemed appropriate by local authorities to  
22 accomplish the objectives of reasonable notice to adjacent landowners  
23 and the public.

24 The notices shall include a statement that any person desiring to  
25 submit written comments concerning an application, or desiring to  
26 receive notification of the final decision concerning an application as  
27 expeditiously as possible after the issuance of the decision, may  
28 submit the comments or requests for decisions to the local government  
29 within thirty days of the last date the notice is to be published  
30 pursuant to this subsection. The local government shall forward, in a  
31 timely manner following the issuance of a decision, a copy of the  
32 decision to each person who submits a request for the decision.

33 If a hearing is to be held on an application, notices of such a  
34 hearing shall include a statement that any person may submit oral or  
35 written comments on an application at the hearing.

36 (5) The system shall include provisions to assure that construction  
37 pursuant to a permit will not begin or be authorized until twenty-one  
38 days from the date the permit decision was filed as provided in  
39 subsection (6) of this section; or until all review proceedings are

1 terminated if the proceedings were initiated within twenty-one days  
2 from the date of filing as defined in subsection (6) of this section  
3 except as follows:

4 (a) In the case of any permit issued to the state of Washington,  
5 department of transportation, for the construction and modification of  
6 SR 90 (I-90) on or adjacent to Lake Washington, the construction may  
7 begin after thirty days from the date of filing, and the permits are  
8 valid until December 31, 1995;

9 (b) Construction may be commenced no sooner than thirty days after  
10 the date of the appeal of the board's decision is filed if a permit is  
11 granted by the local government and (i) the granting of the permit is  
12 appealed to the shorelines hearings board within twenty-one days of the  
13 date of filing, (ii) the hearings board approves the granting of the  
14 permit by the local government or approves a portion of the substantial  
15 development for which the local government issued the permit, and (iii)  
16 an appeal for judicial review of the hearings board decision is filed  
17 pursuant to chapter 34.05 RCW. The appellant may request, within ten  
18 days of the filing of the appeal with the court, a hearing before the  
19 court to determine whether construction pursuant to the permit approved  
20 by the hearings board or to a revised permit issued pursuant to the  
21 order of the hearings board should not commence. If, at the conclusion  
22 of the hearing, the court finds that construction pursuant to such a  
23 permit would involve a significant, irreversible damaging of the  
24 environment, the court shall prohibit the permittee from commencing the  
25 construction pursuant to the approved or revised permit until all  
26 review proceedings are final. Construction pursuant to a permit  
27 revised at the direction of the hearings board may begin only on that  
28 portion of the substantial development for which the local government  
29 had originally issued the permit, and construction pursuant to such a  
30 revised permit on other portions of the substantial development may not  
31 begin until after all review proceedings are terminated. In such a  
32 hearing before the court, the burden of proving whether the  
33 construction may involve significant irreversible damage to the  
34 environment and demonstrating whether such construction would or would  
35 not be appropriate is on the appellant;

36 (c) If the permit is for a substantial development meeting the  
37 requirements of subsection (11) of this section, construction pursuant  
38 to that permit may not begin or be authorized until twenty-one days

1 from the date the permit decision was filed as provided in subsection  
2 (6) of this section.

3 If a permittee begins construction pursuant to subsections (a),  
4 (b), or (c) of this subsection, the construction is begun at the  
5 permittee's own risk. If, as a result of judicial review, the courts  
6 order the removal of any portion of the construction or the restoration  
7 of any portion of the environment involved or require the alteration of  
8 any portion of a substantial development constructed pursuant to a  
9 permit, the permittee is barred from recovering damages or costs  
10 involved in adhering to such requirements from the local government  
11 that granted the permit, the hearings board, or any appellant or  
12 intervener.

13 (6) Any decision on an application for a permit under the authority  
14 of this section, whether it is an approval or a denial, shall,  
15 concurrently with the transmittal of the ruling to the applicant, be  
16 filed with the department and the attorney general. With regard to a  
17 permit other than a permit governed by subsection (10) of this section,  
18 "date of filing" as used herein means the date of actual receipt by the  
19 department. With regard to a permit for a variance or a conditional  
20 use, "date of filing" means the date a decision of the department  
21 rendered on the permit pursuant to subsection (10) of this section is  
22 transmitted by the department to the local government. The department  
23 shall notify in writing the local government and the applicant of the  
24 date of filing.

25 (7) Applicants for permits under this section have the burden of  
26 proving that a proposed substantial development is consistent with the  
27 criteria that must be met before a permit is granted. In any review of  
28 the granting or denial of an application for a permit as provided in  
29 RCW 90.58.180 (1) and (2), the person requesting the review has the  
30 burden of proof.

31 (8) Any permit may, after a hearing with adequate notice to the  
32 permittee and the public, be rescinded by the issuing authority upon  
33 the finding that a permittee has not complied with conditions of a  
34 permit. If the department is of the opinion that noncompliance exists,  
35 the department shall provide written notice to the local government and  
36 the permittee. If the department is of the opinion that the  
37 noncompliance continues to exist thirty days after the date of the  
38 notice, and the local government has taken no action to rescind the  
39 permit, the department may petition the hearings board for a rescission

1 of the permit upon written notice of the petition to the local  
2 government and the permittee if the request by the department is made  
3 to the hearings board within fifteen days of the termination of the  
4 thirty-day notice to the local government.

5 (9) The holder of a certification from the governor pursuant to  
6 chapter 80.50 RCW shall not be required to obtain a permit under this  
7 section.

8 (10) Any permit for a variance or a conditional use by local  
9 government under approved master programs must be submitted to the  
10 department for its approval or disapproval.

11 (11)(a) An application for a substantial development permit for a  
12 limited utility extension or for the construction of a bulkhead or  
13 other measures to protect a single family residence and its appurtenant  
14 structures from shoreline erosion shall be subject to the following  
15 procedures:

16 (i) The public comment period under subsection (4) of this section  
17 shall be twenty days. The notice provided under subsection (4) of this  
18 section shall state the manner in which the public may obtain a copy of  
19 the local government decision on the application no later than two days  
20 following its issuance;

21 (ii) The local government shall issue its decision to grant or deny  
22 the permit within twenty-one days of the last day of the comment period  
23 specified in (i) of this subsection; and

24 (iii) If there is an appeal of the decision to grant or deny the  
25 permit to the local government legislative authority, the appeal shall  
26 be finally determined by the legislative authority within thirty days.

27 (b) For purposes of this section, a limited utility extension means  
28 the extension of a utility service that:

29 (i) Is categorically exempt under chapter 43.21C RCW for one or  
30 more of the following: Natural gas, electricity, telephone, water, or  
31 sewer;

32 (ii) Will serve an existing use in compliance with this chapter;  
33 and

34 (iii) Will not extend more than twenty-five hundred linear feet  
35 (762 meters) within the shorelines of the state.

36 **Sec. 148.** RCW 90.58.320 and 1971 ex.s. c 286 s 32 are each amended  
37 to read as follows:

1        No permit shall be issued pursuant to this chapter for any new or  
2 expanded building or structure of more than thirty-five feet (10.6  
3 meters) above average grade level on shorelines of the state that will  
4 obstruct the view of a substantial number of residences on areas  
5 adjoining such shorelines except where a master program does not  
6 prohibit the same and then only when overriding considerations of the  
7 public interest will be served.

--- END ---