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HOUSE BILL 2522

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Bush, Smith, Thompson, DeBolt, Pennington, Boldt, McDonald, L. Thomas, Schoesler, Zellinsky, Benson, Sterk, Mielke, Koster, Backlund, Sump, McCune, Talcott, Carrell, Cairnes and Mulliken

Read first time . Referred to Committee on .

1 AN ACT Relating to ensuring adequate access to state highways; and  
2 amending RCW 47.50.010, 47.50.040, and 47.50.080.

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

4 **Sec. 1.** RCW 47.50.010 and 1991 c 202 s 1 are each amended to read  
5 as follows:

6 (1) The legislature finds that:

7 (a) Regulation of access to the state highway system is necessary  
8 in order to protect the public health, safety, and welfare, to preserve  
9 the functional integrity of the state highway system, and to promote  
10 the safe and efficient movement of people and goods within the state;

11 (b) The development of an access management program, in accordance  
12 with this chapter, which coordinates land use planning decisions by  
13 local governments and investments in the state highway system, will  
14 serve to control the proliferation of connections and other access  
15 approaches to and from the state highway system. Without such a  
16 program, the health, safety, and welfare of the residents of this state  
17 are at risk, due to the fact that uncontrolled access to the state  
18 highway system is a significant contributing factor to the congestion  
19 and functional deterioration of the system; and

1 (c) The development of an access management program in accordance  
2 with this chapter will enhance the development of an effective  
3 transportation system and increase the traffic-carrying capacity of the  
4 state highway system and thereby reduce the incidences of traffic  
5 accidents, personal injury, and property damage or loss; mitigate  
6 environmental degradation; promote sound economic growth and the growth  
7 management goals of the state; reduce highway maintenance costs and the  
8 necessity for costly traffic operations measures; lengthen the  
9 effective life of transportation facilities in the state, thus  
10 preserving the public investment in such facilities; and shorten  
11 response time for emergency vehicles.

12 (2) In furtherance of these findings, all state highways are hereby  
13 declared to be controlled access facilities as defined in RCW  
14 47.50.020, except those highways that are defined as limited access  
15 facilities in chapter 47.52 RCW.

16 (3) It is the policy of the legislature that:

17 (a) The access rights of an owner of property abutting the state  
18 highway system are (~~subordinate~~) to be balanced with the public's  
19 right and interest in a safe and efficient highway system; and

20 (b) Every owner of property which abuts a state highway has a right  
21 to reasonable access to that highway, unless such access has been  
22 acquired pursuant to chapter 47.52 RCW, but may not have the right of  
23 a particular means of access unless (i) it is a permitted access under  
24 RCW 47.50.040 or 47.50.080(2), or (ii) it was an unpermitted connection  
25 to the state highway in existence on July 1, 1990. ((The)) An  
26 unpermitted right of access to the state highway may be restricted if,  
27 pursuant to local regulation, reasonable access can be provided to  
28 another public road which abuts the property.

29 (4) The legislature declares that it is the purpose of this chapter  
30 to provide a coordinated planning process for the permitting of access  
31 points on the state highway system to effectuate the findings and  
32 policies under this section.

33 (5) Nothing in this chapter shall affect the right to full  
34 compensation under section 16, Article I of the state Constitution.

35 **Sec. 2.** RCW 47.50.040 and 1991 c 202 s 4 are each amended to read  
36 as follows:

37 (1) No connection to a state highway shall be constructed or  
38 altered without obtaining an access permit in accordance with this

1 chapter in advance of such action. A permitting authority has the  
2 authority to deny access to the state highway system at the location  
3 specified in the permit until the permittee constructs or alters the  
4 connection in accordance with the permit requirements.

5 (2) The cost of construction or alteration of a connection shall be  
6 borne by the permittee, except for alterations (~~((which are not required~~  
7 ~~by law or administrative rule, but))~~) after the issuance of the access  
8 permit that are made at the request of and for the convenience of the  
9 permitting authority(~~((The permittee, however, shall bear the cost of~~  
10 ~~alteration of any connection which is))~~), or that are required by the  
11 permitting authority due to increased or altered traffic flows  
12 (~~((generated by changes))~~) along the state highway to which the  
13 connection provides access in the general area of the permittee's  
14 facilities (~~((or nature of business conducted at the location specified~~  
15 ~~in the permit))~~).

16 (3) Except as otherwise provided in this chapter, an unpermitted  
17 connection is subject to closure by the appropriate permitting  
18 authority which shall have the right to install barriers across or  
19 remove the connection. When the permitting authority determines that  
20 a connection is unpermitted and subject to closure, it shall provide  
21 reasonable notice of its impending action to the owner of property  
22 served by the connection. The permitting authority's procedures for  
23 providing notice and preventing the operation of unpermitted  
24 connections shall be adopted by rule.

25 **Sec. 3.** RCW 47.50.080 and 1991 c 202 s 8 are each amended to read  
26 as follows:

27 (1) Unpermitted connections to the state highway system in  
28 existence on July 1, 1990, shall not require the issuance of a permit  
29 and may continue to provide access to the state highway system, unless  
30 the permitting authority determines that such a connection does not  
31 meet minimum acceptable standards of highway safety based on objective  
32 accident and traffic data, a copy of which must be provided to the  
33 property owner, upon written request. (~~((However, a permitting~~  
34 ~~authority may require that a permit be obtained for such a connection~~  
35 ~~if a significant change occurs in the use, design, or traffic flow of~~  
36 ~~the connection or of the state highway to which it provides access.))~~)  
37 If a permit is not obtained, the connection may be closed pursuant to  
38 RCW 47.50.040.

1       (2) Access permits granted prior to adoption of the permitting  
2 authorities' standards shall remain valid ~~((until modified or~~  
3 ~~revoked))~~. Access connections to state highways identified on plats  
4 and subdivisions approved prior to July 1, 1991, shall be deemed to be  
5 permitted pursuant to chapter 202, Laws of 1991. ~~((The permitting~~  
6 ~~authority may, after written notification, under rules adopted in~~  
7 ~~accordance with RCW 47.50.030, modify or revoke an access permit~~  
8 ~~granted prior to adoption of the standards by requiring relocation,~~  
9 ~~alteration, or closure of the connection if a significant change occurs~~  
10 ~~in the use, design, or traffic flow of the connection.))~~

11       (3) The permitting authority may issue a nonconforming access  
12 permit after finding that to deny an access permit would leave the  
13 property without a reasonable means of access to the public roads of  
14 this state. Every nonconforming access permit shall specify limits on  
15 the maximum vehicular use of the connection and shall be conditioned on  
16 the availability of future alternative means of access for which access  
17 permits can be obtained.

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