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**SUBSTITUTE SENATE BILL 6678**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Rasmussen and Franklin)

Read first time 02/10/98.

1       AN ACT Relating to development of a highway access management  
2 program for the benefit of motor vehicles; and amending RCW 47.50.010,  
3 47.50.040, and 47.50.080.

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

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

7       (1) The legislature finds that:

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

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

1 highway system is a significant contributing factor to the congestion  
2 and functional deterioration of the system; and

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

14 (2) In furtherance of these findings, all state highways are hereby  
15 declared to be controlled access facilities as defined in RCW  
16 47.50.020, except those highways that are defined as limited access  
17 facilities in chapter 47.52 RCW.

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

19 (a) The access rights of an owner of property abutting the state  
20 highway system (~~(are subordinate to)~~) should be fairly considered with  
21 the public's right and interest in a safe and efficient highway system;  
22 (~~and~~)

23 (b) Every owner of property which abuts a state highway has a right  
24 to reasonable access to that highway, unless such access has been  
25 acquired pursuant to chapter 47.52 RCW, but may not have the right of  
26 a particular means of access. The right of access to the state highway  
27 may be restricted under RCW 47.50.080 if, pursuant to local regulation,  
28 reasonable access can be provided to another public road which abuts  
29 the property; and

30 (c) Every property owner who has access to the state highway must  
31 be notified of proposed changes to the access.

32 (4) The legislature declares that it is the purpose of this chapter  
33 to provide a coordinated planning process for the permitting of access  
34 points on the state highway system to effectuate the findings and  
35 policies under this section. This coordinated planning process must  
36 include a public involvement process that includes abutting property  
37 owners, business owners, and emergency services that may require access  
38 to the affected property. The public involvement process must provide  
39 the affected ownership with standards and principles of access

1 management. The public involvement process that addresses access  
2 management standards and principles may include, but is not limited to,  
3 public notices, public meetings, public hearings, written notification,  
4 and individual meetings with the affected ownership.

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

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

9 (1) No connection to a state highway shall be constructed or  
10 altered without obtaining an access permit in accordance with this  
11 chapter in advance of such action. A permitting authority has the  
12 authority to deny access to the state highway system at the location  
13 specified in the permit until the permittee constructs or alters the  
14 connection in accordance with the permit requirements.

15 ~~(2) ((The cost of construction or alteration of a connection shall  
16 be borne by the permittee, except for alterations which are not  
17 required by law or administrative rule, but are made at the request of  
18 and for the convenience of the permitting authority. The permittee,  
19 however, shall bear the cost of alteration of any connection which is  
20 required by the permitting authority due to increased or altered  
21 traffic flows generated by changes in the permittee's facilities or  
22 nature of business conducted at the location specified in the permit.))~~

23 The permittee shall bear the cost of construction or alteration of a  
24 connection, including alterations required by increased or altered  
25 traffic flows generated by the nature of business conducted at the  
26 location specified in the permit, except for alterations that are not  
27 required by law or administrative rule, but are made at the request of  
28 and the convenience of the permitting authority, or that are required  
29 by the permitting authority due to increased or altered traffic flows  
30 along the state highway to which the connection provides access in the  
31 general area of the permittee's facility.

32 (3) Except as otherwise provided in this chapter, an unpermitted  
33 connection is subject to closure by the appropriate permitting  
34 authority which shall have the right to install barriers across or  
35 remove the connection. When the permitting authority determines that  
36 a connection is unpermitted and subject to closure, it shall provide  
37 reasonable notice of its impending action to the owner of property  
38 served by the connection. The permitting authority's procedures for

1 providing notice and preventing the operation of unpermitted  
2 connections shall be adopted by rule.

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

5 (1) Unpermitted connections to the state highway system in  
6 existence on July 1, 1990, and in active use shall not require the  
7 issuance of a permit and may continue to provide access to the state  
8 highway system, unless the permitting authority determines that such a  
9 connection does not meet minimum acceptable standards of highway safety  
10 and mobility based on accident data, traffic data, and accepted traffic  
11 engineering criteria, a copy of which must be provided to the property  
12 owner, upon written request. However, a permitting authority may  
13 require that a permit be obtained for such a connection if a  
14 significant change occurs in the use, design, or traffic flow of the  
15 connection or of the state highway to which it provides access. If a  
16 permit is not obtained, the connection may be closed pursuant to RCW  
17 47.50.040.

18 (2) Access permits granted prior to adoption of the permitting  
19 authorities' standards shall remain valid until modified or revoked as  
20 provided in this chapter. Access connections to state highways  
21 identified on plats and subdivisions approved prior to July 1, 1991,  
22 shall be deemed to be permitted pursuant to chapter 202, Laws of 1991.  
23 The permitting authority may, after written notification, under rules  
24 adopted in accordance with RCW 47.50.030, modify or revoke an access  
25 permit granted prior to adoption of the standards by requiring  
26 relocation, alteration, or closure of the connection if a significant  
27 change occurs in the use, design, or traffic flow of the connection or  
28 the state highway to which the connection provides access in the  
29 general area of the permittee's facility, and if, as a result of that  
30 change, the connection does not meet minimum acceptable standards of  
31 highway safety and mobility based on accident and traffic data and  
32 accepted traffic engineering criteria.

33 (3) The permitting authority may issue a nonconforming access  
34 permit after finding that to deny an access permit would leave the  
35 property without a reasonable means of access to the public roads of  
36 this state. Every nonconforming access permit shall specify limits on  
37 the maximum vehicular use of the connection and shall be conditioned on

- 1 the availability of future alternative means of access for which access
- 2 permits can be obtained.

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