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HOUSE BILL 3138

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Bush and Lovick

Read first time 02/15/2000. Referred to Committee on Transportation.

1            AN ACT Relating to the privatization of safety rest areas; amending  
2 RCW 74.18.220 and 47.50.090; and adding new sections to chapter 47.38  
3 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 47.38 RCW  
6 to read as follows:

7            (1) The secretary of the department of transportation or a designee  
8 shall solicit proposals from, and negotiate and enter into agreements  
9 with, private entities to undertake the maintenance and operation of  
10 restaurants at safety rest areas on state highways.

11            (2) Each proposal for the operation and maintenance of a restaurant  
12 at a safety rest area must be weighed on its own merits, and each  
13 agreement must be negotiated individually, and as a stand-alone  
14 project. The department shall reject any proposal that proposes a  
15 single agreement for the operation and maintenance of more than one  
16 restaurant.

17            Private entities may submit proposals for more than one restaurant  
18 at safety rest areas, as long as each restaurant safety rest area  
19 proposal is evaluated separately and on its own merits.

1 (3) If the department of transportation deems it to be for the  
2 public interest, the franchise may be granted in whole or in part, with  
3 or without hearing, under any regulations and conditions the department  
4 prescribes. At a minimum, the department shall require:

5 (a) Fair market value consideration for the right to exclusive  
6 operation of a restaurant franchise at a safety rest area on state-  
7 owned rights-of-way;

8 (b) A minimum of two percent of the gross receipts derived from  
9 operation of the restaurant franchise; and

10 (c) Continued maintenance and operation of the restaurant at the  
11 safety rest area and associated property by the franchisee through the  
12 full term of the franchise agreement.

13 (4) The department may require that the franchisee's facilities,  
14 utilities, and appurtenances be placed on the safety rest area property  
15 in a manner that, in the department's opinion, will least interfere  
16 with safe uses of the safety rest area and highway.

17 (5) If a hearing is held, it shall be conducted by the department,  
18 and may be adjourned from time to time until completed. The applicant  
19 may be required to produce all facts pertaining to the franchise, and  
20 evidence may be taken for and against granting it.

21 (6) The facility, utilities, and appurtenances shall be made  
22 subject to removal when necessary for the construction, alteration,  
23 repair, or improvement of the highway and at the expense of the state,  
24 except that the state is not required to pay costs or alleged damages  
25 resulting from lost business and/or profits.

26 (7) Renewal upon expiration of a franchise shall be by application.

27 (8) A person constructing or operating a restaurant franchise at a  
28 safety rest area is liable to persons injured for damages incident to  
29 the construction or resulting from the reasonable and intended use of  
30 the restaurant franchise. Except as provided in this section, the  
31 franchisee is liable to the state for all necessary expenses incurred  
32 in restoring the highway to a permanent, suitable condition for travel.

33 (9) No franchise may be granted for a period longer than fifty  
34 years.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.38 RCW  
36 to read as follows:

1 All revenues derived from section 1(3) (a) and (b) of this act  
2 shall be placed in the state patrol highway account and used  
3 exclusively for state patrol vehicles and associated equipment.

4 **Sec. 3.** RCW 74.18.220 and 1983 c 194 s 22 are each amended to read  
5 as follows:

6 (1) The department is authorized to license blind persons to  
7 operate vending facilities and vending machines on federal property and  
8 in public buildings.

9 (2) The state, political subdivisions thereof, and agencies of the  
10 state, or political subdivisions thereof shall give priority to  
11 licensees in the operation of vending facilities and vending machines  
12 in public buildings. This subsection does not apply to the operation  
13 of franchises authorized by section 1 of this act.

14 **Sec. 4.** RCW 47.50.090 and 1995 c 399 s 124 are each amended to  
15 read as follows:

16 (1) The department shall develop, adopt, and maintain an access  
17 control classification system for all routes on the state highway  
18 system, the purpose of which shall be to provide for the implementation  
19 and continuing applications of the provision of this chapter.

20 (2) The principal component of the access control classification  
21 system shall be access management standards, the purpose of which shall  
22 be to provide specific minimum standards to be adhered to in the  
23 planning for and approval of access to state highways.

24 (3) The control classification system shall be developed consistent  
25 with the following:

26 (a) The department shall, no later than January 1, 1993, adopt  
27 rules setting forth procedures governing the implementation of the  
28 access control classification system required by this chapter. The  
29 rule shall provide for input from the entities described in (b) of this  
30 subsection as well as for public meetings to discuss the access control  
31 classification system. Nothing in this chapter shall affect the  
32 validity of the department's existing or subsequently adopted rules  
33 concerning access to the state highway system. Such rules shall remain  
34 in effect until repealed or replaced by the rules required by this  
35 chapter.

36 (b) The access control classification system shall be developed in  
37 cooperation with counties, cities and towns, the department of

1 community, trade, and economic development, regional transportation  
2 planning organizations, and other local governmental entities, and for  
3 city streets designated as state highways pursuant to chapter 47.24  
4 RCW, adopted with the concurrence of the city design standards  
5 committee.

6 (c) The rule required by this section shall provide that assignment  
7 of a road segment to a specific access category be made in  
8 consideration of the following criteria:

9 (i) Local land use plans and zoning, as set forth in comprehensive  
10 plans;

11 (ii) The current functional classification as well as potential  
12 future functional classification of each road on the state highway  
13 system;

14 (iii) Existing and projected traffic volumes;

15 (iv) Existing and projected state, local, and metropolitan planning  
16 organization transportation plans and needs;

17 (v) Drainage requirements;

18 (vi) The character of lands adjoining the highway;

19 (vii) The type and volume of traffic requiring access;

20 (viii) Other operational aspects of access;

21 (ix) The availability of reasonable access by way of county roads  
22 and city streets to a state highway; and

23 (x) The cumulative effect of existing and projected connections on  
24 the state highway system's ability to provide for the safe and  
25 efficient movement of people and goods within the state.

26 (d) Access management standards shall include, but not be limited  
27 to, connection location standards, safety factors, design and  
28 construction standards, desired levels of service, traffic control  
29 devices, and effective maintenance of the roads. The standards shall  
30 also contain minimum requirements for the spacing of connections,  
31 intersecting streets, roads, and highways.

32 (e) An access control category shall be assigned to each segment of  
33 the state highway system by July 1, 1993.

34 (4) Nothing in this section shall be construed to limit, hinder, or  
35 prohibit the operation of franchises granted under section 1 of this  
36 act.

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