
SUBSTITUTE HOUSE BILL 2159

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Mitchell, Fisher and Hankins)

Read first time . Referred to Committee on .

1 AN ACT Relating to maintaining and preserving transportation
2 facilities and assets; amending RCW 47.06.050, 47.06.090, 47.05.010,
3 47.05.030, 47.05.051, 47.44.010, 47.44.020, 47.44.050, and 47.24.020;
4 and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The state's current transportation
7 infrastructure represents public assets worth over one hundred billion
8 dollars. The legislature finds that reducing wear and tear, providing
9 cost-effective maintenance and rehabilitation, and identifying and
10 addressing traffic congestion is essential. The legislature further
11 finds that the state should develop the analytic tools needed to
12 measure the benefits and costs for all modes by using a common
13 methodology. Use of a common methodology enables achievement of the
14 goal to invest in the most effective mix of strategies, bolstered by
15 benefit-cost analysis so that the investment benefits are quantifiable
16 and achievable, and the outcomes will increase mobility and choices for
17 the traveling public.

1 **Sec. 2.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read
2 as follows:

3 The state-owned facilities component of the statewide
4 transportation plan shall consist of:

5 (1) The state highway system plan, which identifies program and
6 financing needs and recommends specific and financially realistic
7 improvements to preserve the structural integrity of the state highway
8 system, ensure acceptable operating conditions, and provide for
9 enhanced access to scenic, recreational, and cultural resources. The
10 state highway system plan shall contain the following elements:

11 (a) A system preservation element, which shall establish structural
12 preservation objectives for the state highway system including bridges,
13 identify current and future structural deficiencies based upon analysis
14 of current conditions and projected future deterioration, and recommend
15 program funding levels and specific actions necessary to preserve the
16 structural integrity of the state highway system consistent with
17 adopted objectives. Lowest life cycle cost methodologies must be used
18 in developing a pavement management system. This element shall serve
19 as the basis for the preservation component of the six-year highway
20 program and the two-year biennial budget request to the legislature;

21 (b) A highway maintenance element, establishing service levels for
22 highway maintenance on state-owned highways that meet benchmarks
23 established by the transportation commission. The highway maintenance
24 element must include an estimate of costs for achieving those service
25 levels over twenty years. This element will serve as the basis for the
26 maintenance component of the six-year highway program and the two-year
27 biennial budget request to the legislature;

28 (c) A capacity and operational improvement element, which shall
29 establish operational objectives, including safety considerations, for
30 moving people and goods on the state highway system, identify current
31 and future capacity, operational, and safety deficiencies, and
32 recommend program funding levels and specific improvements and
33 strategies necessary to achieve the operational objectives. In
34 developing capacity and operational improvement plans the department
35 shall first assess strategies to enhance the operational efficiency of
36 the existing system before recommending system expansion. Strategies
37 to enhance the operational efficiencies include but are not limited to
38 access management, transportation system management, demand management,
39 and high-occupancy vehicle facilities. The capacity and operational

1 improvement element must conform to the state implementation plan for
2 air quality and be consistent with regional transportation plans
3 adopted under chapter 47.80 RCW, and shall serve as the basis for the
4 capacity and operational improvement portions of the six-year highway
5 program and the two-year biennial budget request to the legislature;

6 ~~((e))~~ (d) A scenic and recreational highways element, which shall
7 identify and recommend designation of scenic and recreational highways,
8 provide for enhanced access to scenic, recreational, and cultural
9 resources associated with designated routes, and recommend a variety of
10 management strategies to protect, preserve, and enhance these
11 resources. The department, affected counties, cities, and towns,
12 regional transportation planning organizations, and other state or
13 federal agencies shall jointly develop this element;

14 ~~((d))~~ (e) A paths and trails element, which shall identify the
15 needs of nonmotorized transportation modes on the state transportation
16 systems and provide the basis for the investment of state
17 transportation funds in paths and trails, including funding provided
18 under chapter 47.30 RCW.

19 (2) The state ferry system plan, which shall guide capital and
20 operating investments in the state ferry system. The plan shall
21 establish service objectives for state ferry routes, forecast travel
22 demand for the various markets served in the system, ~~((and))~~ develop
23 strategies for ferry system investment that consider regional and
24 statewide vehicle and passenger needs, support local land use plans,
25 and assure that ferry services are fully integrated with other
26 transportation services. The plan must provide for maintenance of
27 capital assets. The plan must also provide for preservation of capital
28 assets based on lowest life cycle cost methodologies. The plan shall
29 assess the role of private ferries operating under the authority of the
30 utilities and transportation commission and shall coordinate ferry
31 system capital and operational plans with these private operations.
32 The ferry system plan must be consistent with the regional
33 transportation plans for areas served by the state ferry system, and
34 shall be developed in conjunction with the ferry advisory committees.

35 **Sec. 3.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to read
36 as follows:

37 The state-interest component of the statewide multimodal
38 transportation plan shall include an intercity passenger rail plan,

1 which shall analyze existing intercity passenger rail service and
2 recommend improvements to that service under the state passenger rail
3 service program including depot improvements, potential service
4 extensions, and ways to achieve higher train speeds.

5 For purposes of preserving any state-owned component of the state's
6 passenger rail program, the statewide multimodal transportation plan
7 must identify all such assets and provide a preservation plan based on
8 lowest life cycle cost methodologies.

9 **Sec. 4.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to read
10 as follows:

11 The legislature finds that solutions to state highway deficiencies
12 have become increasingly complex and diverse and that anticipated
13 transportation revenues will fall substantially short of the amount
14 required to satisfy all transportation needs. Difficult investment
15 trade-offs will be required.

16 It is the intent of the legislature that investment of state
17 transportation funds to address deficiencies on the state highway
18 system be based on a policy of priority programming having as its basis
19 the rational selection of projects and services according to factual
20 need and an evaluation of life cycle costs and benefits and ((which))
21 that are systematically scheduled to carry out defined objectives
22 within available revenue. Subject to legislative appropriation, the
23 state must develop analytic tools to use a common methodology to
24 measure benefits and costs for all modes.

25 The priority programming system ((shall)) must ensure preservation
26 of the existing state highway system, relieve congestion, provide
27 mobility for people and goods, support the state's economy, and promote
28 environmental protection and energy conservation.

29 The priority programming system ((shall)) must implement the state-
30 owned highway component of the statewide multimodal transportation
31 plan, consistent with local and regional transportation plans, by
32 targeting state transportation investment to appropriate multimodal
33 solutions ((which)) that address identified state highway system
34 deficiencies.

35 The priority programming system for improvements ((shall)) must
36 incorporate a broad range of solutions that are identified in the
37 statewide multimodal transportation plan as appropriate to address
38 state highway system deficiencies, including but not limited to

1 relieving congestion, highway expansion, efficiency improvements,
2 nonmotorized transportation facilities, high occupancy vehicle
3 facilities, transit facilities and services, rail facilities and
4 services, and transportation demand management programs.

5 **Sec. 5.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to read
6 as follows:

7 The transportation commission shall adopt a comprehensive six-year
8 investment program specifying program objectives and performance
9 measures for the preservation and improvement programs defined in this
10 section. In the specification of investment program objectives and
11 performance measures, the transportation commission, in consultation
12 with the Washington state department of transportation, shall define
13 and adopt standards for effective programming and prioritization
14 practices including a needs analysis process. The needs analysis
15 process (~~shall~~) must ensure the identification of problems and
16 deficiencies, the evaluation of alternative solutions and trade-offs,
17 and estimations of the costs and benefits of prospective projects.
18 Project prioritization must be based primarily upon cost-benefit
19 analysis, where appropriate. The investment program (~~shall~~) must be
20 revised biennially, effective on July 1st of odd-numbered years. The
21 investment program (~~shall~~) must be based upon the needs identified in
22 the state-owned highway component of the statewide multimodal
23 transportation plan as defined in RCW 47.01.071(3).

24 (1) The preservation program (~~shall~~) consists of those
25 investments necessary to preserve the existing state highway system and
26 to restore existing safety features, giving consideration to lowest
27 life cycle costing. The preservation program must require use of the
28 most cost-effective pavement surfaces based on durability. The
29 comprehensive six-year investment program for preservation (~~shall~~)
30 must identify projects for two years and an investment plan for the
31 remaining four years.

32 (2) The improvement program (~~shall~~) consists of investments
33 needed to address identified deficiencies on the state highway system
34 to (~~improve mobility~~) relieve congestion, safety, support for the
35 economy, and protection of the environment. The department will
36 participate in the refinement, enhancement, and application of existing
37 transportation demand modeling tools to be used to evaluate
38 investments. This participation and use of transportation demand

1 modeling tools will be phased in to the extent provided by legislative
2 appropriation. The first phase will build upon the modeling work
3 initiated by the four-county Puget Sound regional council. The six-
4 year investment program for improvements (~~shall~~) must identify
5 projects for two years and major deficiencies proposed to be addressed
6 in the six-year period giving consideration to relative benefits and
7 life cycle costing. The transportation commission shall give higher
8 priority for correcting identified deficiencies on those facilities
9 classified as facilities of statewide significance as defined in RCW
10 47.06.140.

11 The transportation commission shall approve and present the
12 comprehensive six-year investment program to the legislature in support
13 of the biennial budget request under RCW 44.40.070 and 44.40.080.

14 **Sec. 6.** RCW 47.05.051 and 1998 c 175 s 12 are each amended to read
15 as follows:

16 (1) The comprehensive six-year investment program shall be based
17 upon the needs identified in the state-owned highway component of the
18 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
19 and priority selection systems that incorporate the following criteria:

20 (~~1~~) (a) Priority programming for the preservation program shall
21 take into account the following, not necessarily in order of
22 importance:

23 (~~a~~) (i) Extending the service life of the existing highway
24 system, including using the most cost-effective pavement surfaces
25 available based on durability;

26 (~~b~~) (ii) Ensuring the structural ability to carry loads imposed
27 upon highways and bridges; and

28 (~~c~~) (iii) Minimizing life cycle costs. The transportation
29 commission in carrying out the provisions of this section may delegate
30 to the department of transportation the authority to select
31 preservation projects to be included in the six-year program.

32 (~~2~~) (b) Priority programming for the improvement program
33 (~~shall take into account~~) must be based primarily upon the following:

34 (~~a~~) (i) Traffic congestion, delay, and accidents;

35 (ii) Location within a heavily traveled transportation corridor;

36 (iii) Synchronization with other potential transportation projects,
37 including transit and multimodal projects, within the heavily traveled
38 corridor; and

1 (iv) Use of benefit/cost analysis wherever feasible to determine
2 the value of the proposed project.

3 (c) Priority programming for the improvement program may also take
4 into account:

5 (i) Support for the state's economy, including job creation and job
6 preservation;

7 ~~((b))~~ (ii) The cost-effective movement of people and goods;
8 ~~((e))~~ (iii) Accident and accident risk reduction;
9 ~~((d))~~ (iv) Protection of the state's natural environment;
10 ~~((e))~~ (v) Continuity and systematic development of the highway
11 transportation network;

12 ~~((f))~~ (vi) Consistency with local comprehensive plans developed
13 under chapter 36.70A RCW;

14 ~~((g))~~ (vii) Consistency with regional transportation plans
15 developed under chapter 47.80 RCW;

16 ~~((h))~~ (viii) Public views concerning proposed improvements;
17 ~~((i))~~ (ix) The conservation of energy resources;
18 ~~((j))~~ (x) Feasibility of financing the full proposed improvement;
19 ~~((k))~~ (xi) Commitments established in previous legislative
20 sessions;

21 ~~((l))~~ (xii) Relative costs and benefits of candidate programs;
22 ~~((m))~~ (xiii) Available transportation demand management policies
23 that could be used to reduce demand on the highway system.

24 (d) Major projects addressing capacity deficiencies which
25 prioritize allowing for preliminary engineering shall be reprioritized
26 during the succeeding biennium, based upon updated project data.
27 Reprioritized projects may be delayed or canceled by the transportation
28 commission if higher priority projects are awaiting funding(~~(i) and~~).

29 ~~((n))~~ (e) Major project approvals which significantly increase a
30 project's scope or cost from original prioritization estimates shall
31 include a review of the project's estimated revised priority rank and
32 the level of funding provided. Projects may be delayed or canceled by
33 the transportation commission if higher priority projects are awaiting
34 funding.

35 ~~((3))~~ (2) The commission may depart from the priority programming
36 established under subsection(~~(s)~~) (1) (~~and (2)~~) of this section: (a)
37 To the extent that otherwise funds cannot be utilized feasibly within
38 the program; (b) as may be required by a court judgment, legally
39 binding agreement, or state and federal laws and regulations; (c) as

1 may be required to coordinate with federal, local, or other state
2 agency construction projects; (d) to take advantage of some substantial
3 financial benefit that may be available; (e) for continuity of route
4 development; or (f) because of changed financial or physical conditions
5 of an unforeseen or emergent nature. The commission or secretary of
6 transportation shall maintain in its files information sufficient to
7 show the extent to which the commission has departed from the
8 established priority.

9 ~~((4))~~ (3) The commission shall identify those projects that yield
10 freight mobility benefits or that alleviate the impacts of freight
11 mobility upon affected communities.

12 **Sec. 7.** RCW 47.44.010 and 1980 c 28 s 1 are each amended to read
13 as follows:

14 (1) The department of transportation may grant franchises to
15 persons, associations, private or municipal corporations, the United
16 States government, or any agency thereof, to use any state highway for
17 the construction and maintenance of water pipes, flume, gas, oil or
18 coal pipes, telephone, telegraph and electric light and power lines and
19 conduits, trams or railways, and any structures or facilities ~~((which))~~
20 that are part of an urban public transportation system owned or
21 operated by a municipal corporation, agency, or department of the state
22 of Washington other than the department of transportation, and any
23 other such facilities. In order to minimize the disruption to traffic
24 and damage to the roadway, the department is encouraged to develop a
25 joint trenching policy with other affected jurisdictions so that all
26 permittees and franchisees requiring access to ground under the roadway
27 may do so at one time.

28 (2) All applications for ~~((such))~~ the franchise ~~((shall))~~ must be
29 made in writing and subscribed by the applicant, and ~~((shall))~~ describe
30 the state highway or portion thereof over which franchise is desired
31 and the nature of the franchise. The application must also include the
32 identification of all jurisdictions affected by the franchise and the
33 names of other possible franchisees who should receive notice of the
34 application for a franchise.

35 (3) The department of transportation shall adopt rules providing
36 for a hearing or an opportunity for a hearing with reasonable public
37 notice thereof with respect to any franchise application involving the
38 construction and maintenance of utilities or other facilities within

1 the highway right of way which the department determines may (~~((1))~~)
2 (a) during construction, significantly disrupt the flow of traffic or
3 use of driveways or other facilities within the right of way, or
4 (~~((2))~~) (b) during or following construction, cause a significant and
5 adverse effect upon the surrounding environment.

6 **Sec. 8.** RCW 47.44.020 and 1980 c 28 s 2 are each amended to read
7 as follows:

8 (1) If the department of transportation deems it to be for the
9 public interest, the franchise may be granted in whole or in part, with
10 or without hearing under such regulations and conditions as the
11 department may prescribe, with or without compensation, but not in
12 excess of the reasonable cost for investigating, handling, and granting
13 the franchise. The department may require that the utility and
14 appurtenances be so placed on the highway that they will, in its
15 opinion, least interfere with other uses of the highway.

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

20 (3) The facility (~~((shall))~~) must be made subject to removal when
21 necessary for the construction, alteration, repair, or improvement of
22 the highway and at the expense of the franchise holder, except that the
23 state shall pay the cost of (~~((such))~~) the removal whenever the state
24 (~~((shall-be))~~) is entitled to receive proportionate reimbursement
25 therefor from the United States in the cases and in the manner set
26 forth in RCW 47.44.030. Renewal upon expiration of a franchise
27 (~~((shall))~~) must be by application.

28 (4) A person constructing or operating such a utility on a state
29 highway is liable to any person injured thereby for any damages
30 incident to the work of installation or the continuation of the
31 occupancy of the highway by the utility, and except as provided above,
32 is liable to the state for all necessary expenses incurred in restoring
33 the highway to a permanent suitable condition for travel. A person
34 constructing or operating such a utility on a state highway is also
35 liable to the state for all necessary expenses incurred in inspecting
36 the construction and restoring the pavement or other related
37 transportation equipment or facilities to a permanent condition
38 suitable for travel and operation in accordance with requirements set

1 by the department. Permit and franchise holders are also financially
2 responsible to the department for trenching work not completed within
3 the contractual period and for compensating for the loss of useful
4 pavement life caused by trenching. No franchise may be granted for a
5 longer period than fifty years, and no exclusive franchise or privilege
6 may be granted.

7 (5) The holder of a franchise granted under this section is
8 financially responsible to the department for trenching work not
9 completed within the period of the permit and for compensating for the
10 loss of useful pavement life caused by trenching. In the case of
11 common trenching operations, liability under this subsection will be
12 assessed equally between the franchisees. The assessed parties may
13 thereafter pursue claims of contribution or indemnity in accord with
14 such fault as may be determined by arbitration or other legal action.

15 **Sec. 9.** RCW 47.44.050 and 1984 c 7 s 237 are each amended to read
16 as follows:

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

28 (2) The holder of a permit granted under this section is
29 financially responsible to the department for trenching work not
30 completed within the period of the permit and for compensating for the
31 loss of useful pavement life caused by trenching. In the case of
32 common trenching operations, liability under this subsection will be
33 assessed equally between the permit holders. The assessed parties may
34 thereafter pursue claims of contribution or indemnity in accord with
35 such fault as may be determined by arbitration or other legal action.

36 **Sec. 10.** RCW 47.24.020 and 1993 c 126 s 1 are each amended to read
37 as follows:

1 The jurisdiction, control, and duty of the state and city or town
2 with respect to such streets (~~(shall be)~~) is as follows:

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

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

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

19 (4) The city or town shall at its own expense maintain all
20 underground facilities in such streets, and has the right to construct
21 such additional underground facilities as may be necessary in such
22 streets. However, pavement trenching and restoration performed as part
23 of installation of such facilities must meet or exceed requirements
24 established by the department;

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. Pavement trenching and restoration performed under a
29 privilege granted by the city under this subsection must meet or exceed
30 requirements established by the department;

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

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

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

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

28 (9) Every franchise or permit granted any person by a city or town
29 for use of any portion of such street by a public utility (~~shall~~)
30 must require the grantee or permittee to restore, repair, and replace
31 (~~to its original condition~~) any portion of the street damaged or
32 injured by it to conditions that meet or exceed requirements
33 established by the department;

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

38 (11) Cities and towns shall regulate and enforce all traffic and
39 parking restrictions on such streets, but all regulations adopted by a

1 city or town relating to speed, parking, and traffic control devices on
2 such streets not identical to state law relating thereto are subject to
3 the approval of the department before becoming effective. All
4 regulations pertaining to speed, parking, and traffic control devices
5 relating to such streets heretofore adopted by a city or town not
6 identical with state laws shall become null and void unless approved by
7 the department heretofore or within one year after March 21, 1963;

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

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

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

38 (15) Rights of way for such streets shall be acquired by either the
39 city or town or by the state as shall be mutually agreed upon. Costs

1 of acquiring rights of way may be at the sole expense of the state or
2 at the expense of the city or town or at the expense of the state and
3 the city or town as may be mutually agreed upon. Title to all such
4 rights of way so acquired shall vest in the city or town: PROVIDED,
5 That no vacation, sale, rental, or any other nontransportation use of
6 any unused portion of any such street may be made by the city or town
7 without the prior written approval of the department; and all revenue
8 derived from sale, vacation, rental, or any nontransportation use of
9 such rights of way shall be shared by the city or town and the state in
10 the same proportion as the purchase costs were shared;

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

22 NEW SECTION. **Sec. 11.** The transportation commission or its
23 successor entity shall report the results of the following to the
24 transportation committees of the senate and house of representatives by
25 December 1, 2001:

26 (1) The priority programming used by the transportation commission
27 especially as it measures benefits and costs under RCW 47.05.010,
28 47.05.030, and 47.05.051;

29 (2) An evaluation of the results of the life cycle cost
30 methodologies developed by the department of transportation under RCW
31 47.06.050 and 47.06.090 to determine if they meet the benchmarks
32 established by the commission.

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