
SENATE BILL 5723

State of Washington

57th Legislature

2001 Regular Session

By Senator Haugen

Read first time 02/01/2001. Referred to Committee on Transportation.

1 AN ACT Relating to permits for access to controlled access
2 transportation facilities; and amending RCW 47.50.020, 47.50.030,
3 47.50.040, 47.50.050, and 47.50.060.

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

5 **Sec. 1.** RCW 47.50.020 and 1991 c 202 s 2 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Controlled access facility" means a transportation facility to
10 which access is regulated by the governmental entity having
11 jurisdiction over the facility. Owners or occupants of abutting lands
12 and other persons have a right of access to or from such facility at
13 such points only and in such manner as may be determined by the
14 governmental entity.

15 (2) "Connection" means approaches, driveways, turnouts, or other
16 means of providing for the right of access to or from controlled access
17 facilities on the state highway system.

18 (3) "Major access permit" means a written authorization given by
19 the department for a specifically designed connection to the state

1 highway system at a specific location for a specific type and intensity
2 of property use and specific volume of traffic for the proposed
3 connection, based on the final stage of proposed development of the
4 applicant's property. The department shall determine the actual form
5 used for this authorization.

6 (4) "Minor access permit" means a written authorization given by
7 the department for any change in the connection granted in a major
8 access permit. Minor access permits may only be granted for one year
9 after completion of construction of a major access permit connection.

10 (5) "Permitting authority" means the department for connections in
11 unincorporated areas or a city or town within incorporated areas
12 ((which)) that are authorized to regulate access to state highways
13 pursuant to chapter 47.24 RCW.

14 **Sec. 2.** RCW 47.50.030 and 1991 c 202 s 3 are each amended to read
15 as follows:

16 (1) Vehicular access and connections to or from the state highway
17 system shall be regulated by the permitting authority in accordance
18 with the provisions of this chapter in order to protect the public
19 health, safety, and welfare.

20 (2) The department shall ((by July 1, 1992,)) adopt administrative
21 procedures pursuant to chapter 34.05 RCW which establish state highway
22 access standards and rules for its issuance and modification of major
23 and minor access permits, closing of unpermitted connections,
24 revocation of permits, and waiver provisions in accordance with this
25 chapter. The department shall consult with the Association of
26 Washington Cities and obtain concurrence of the city design standards
27 committee as established by RCW 35.78.030 in the development and
28 adoption of rules for access standards for city streets designated as
29 state highways under chapter 47.24 RCW.

30 (3) Cities and towns shall, no later than July 1, 1993, adopt
31 standards for access permitting on streets designated as state highways
32 which meet or exceed the department's standards, provided that such
33 standards may not be inconsistent with standards adopted by the
34 department.

35 **Sec. 3.** RCW 47.50.040 and 1991 c 202 s 4 are each amended to read
36 as follows:

1 (1) No connection to a state highway shall be constructed or
2 altered without obtaining ~~((an))~~ a major or minor access permit in
3 accordance with this chapter in advance of such action. A permitting
4 authority has the authority to deny access to the state highway system
5 at the location specified in the permit until the permittee constructs
6 or alters the connection in accordance with the permit requirements.

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

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

24 **Sec. 4.** RCW 47.50.050 and 1991 c 202 s 5 are each amended to read
25 as follows:

26 The department shall establish by rule a schedule of fees for
27 permit applications made to the department. The fee for a minor access
28 permit application must be less than the fee charged for a major access
29 permit application. The fee ~~((shall be))~~ is nonrefundable and
30 ~~((shall))~~ may be used only to offset the costs of administering the
31 access permit review process and the costs associated with
32 administering ~~((the provisions of))~~ this chapter.

33 **Sec. 5.** RCW 47.50.060 and 1991 c 202 s 6 are each amended to read
34 as follows:

35 The review process for major and minor access permit applications
36 made by the department ~~((shall be))~~ is as follows: Any person seeking
37 an access permit shall file an application with the department. The

1 department by rule shall establish application form and content
2 requirements. The fee required by RCW 47.50.050 must accompany the
3 applications.

--- END ---