

5959

Sponsor(s): Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner

Brief Description: Providing access permits for the deployment of personal wireless facilities off limited access highways.

**SB 5959 - DIGEST**

(DIGEST AS ENACTED)

Provides that the department shall authorize an off and on approach to partially controlled limited access highways for the placement and service of facilities providing personal wireless services.

(1) The approach shall be in a legal manner not to exceed thirty feet in width.

(2) The approach may be specified at a point satisfactory to the department at or between designated highway stations.

(3) The permit holder may use the approach for ingress and egress from the highway for construction or maintenance of the personal wireless service facility during nonpeak traffic hours so long as public safety is not adversely affected. The permit holder may use the approach for ingress and egress at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods.

Requires the department to present a report to the house of representatives technology, telecommunications, and energy committee and the senate technology and communications committee on the implementation of the permit process and the cost of permits by January 15, 2004, and by the first day of the legislative session following adoption of any rule increasing the cost of permits.

VETO MESSAGE ON SB 5959

May 9, 2003

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Senate Bill No. 5959 entitled:

"AN ACT Relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities"

This bill establishes procedures for the Department of Transportation to permit wireless telecommunications facilities to be located along partially controlled limited access highways. This is important legislation that will help expand telecommunications services to underserved areas in our state and

promote economic development.

However, Section 1 of this bill would have amended RCW 47.52.001, which is a declaration of state policy to limit access to the highway facilities of the state in the interest of highway safety and for the preservation of the investment of the public in such facilities. The amendment would have created an inflexible exception to this longstanding policy by stating that personal wireless facilities "shall be permitted" along partially controlled limited access highways, apparently without qualification. Insofar as this section can be read to suggest that deployment of personal wireless facilities is inconsistent with the state's interest in highway safety, and that telecommunications deployment should take precedence over it, I am compelled to veto it.

I agree with the Legislature that personal wireless service is a critical part of the state's infrastructure, and I believe that Department of Transportation policy should acknowledge this. However, state policy should also ensure that telecommunications deployment be achieved along state highways without adversely affecting highway safety. For this reason, I believe the current language in RCW 47.52.001, which "limits" but by no means prohibits access to public highways, is the better statement of policy than that contained in Section 1.

For these reasons, I have vetoed Section 1 of Senate Bill No. 5959.

With the exception of Section 1, Senate Bill No. 5959 is approved.

Respectfully submitted,  
Gary Locke  
Governor