

2 **SB 6628** - S AMD - 788
3 By Senators Rasmussen and Benton

4 ADOPTED 2/17/98

5 On page 3, after line 27, insert the following:

6 "Sec. 3. RCW 47.50.010 and 1991 c 202 s 1 are each amended to read
7 as follows:

8 (1) The legislature finds that:

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

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

22 (c) The development of an access management program in accordance
23 with this chapter will enhance the development of an effective
24 transportation system and increase the traffic-carrying capacity of the
25 state highway system and thereby reduce the incidences of traffic
26 accidents, personal injury, and property damage or loss; mitigate
27 environmental degradation; promote sound economic growth and the growth
28 management goals of the state; reduce highway maintenance costs and the
29 necessity for costly traffic operations measures; lengthen the
30 effective life of transportation facilities in the state, thus
31 preserving the public investment in such facilities; and shorten
32 response time for emergency vehicles.

33 (2) In furtherance of these findings, all state highways are hereby
34 declared to be controlled access facilities as defined in RCW
35 47.50.020, except those highways that are defined as limited access
36 facilities in chapter 47.52 RCW.

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

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

6 (b) Every owner of property which abuts a state highway has a right
7 to reasonable access to that highway, unless such access has been
8 acquired pursuant to chapter 47.52 RCW, but may not have the right of
9 a particular means of access. The right of access to the state highway
10 may be restricted under RCW 47.50.080 if, pursuant to local regulation,
11 reasonable access can be provided to another public road which abuts
12 the property; and

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

15 (4) The legislature declares that it is the purpose of this chapter
16 to provide a coordinated planning process for the permitting of access
17 points on the state highway system to effectuate the findings and
18 policies under this section. This coordinated planning process must
19 include a public involvement process that includes abutting property
20 owners, business owners, and emergency services that may require access
21 to the affected property. The public involvement process must provide
22 the affected ownership with standards and principles of access
23 management. The public involvement process that addresses access
24 management standards and principles may include, but is not limited to,
25 public notices, public meetings, public hearings, written notification,
26 and individual meetings with the affected ownership.

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

29 **Sec. 4.** RCW 47.50.040 and 1991 c 202 s 4 are each amended to read
30 as follows:

31 (1) No connection to a state highway shall be constructed or
32 altered without obtaining an access permit in accordance with this
33 chapter in advance of such action. A permitting authority has the
34 authority to deny access to the state highway system at the location
35 specified in the permit until the permittee constructs or alters the
36 connection in accordance with the permit requirements.

37 (2) (~~The cost of construction or alteration of a connection shall~~
38 ~~be borne by the permittee, except for alterations which are not~~

1 ~~required by law or administrative rule, but are made at the request of~~
2 ~~and for the convenience of the permitting authority. The permittee,~~
3 ~~however, shall bear the cost of alteration of any connection which is~~
4 ~~required by the permitting authority due to increased or altered~~
5 ~~traffic flows generated by changes in the permittee's facilities or~~
6 ~~nature of business conducted at the location specified in the permit.))~~
7 The permittee shall bear the cost of construction or alteration of a
8 connection, including alterations required by increased or altered
9 traffic flows generated by the nature of business conducted at the
10 location specified in the permit, except for alterations that are not
11 required by law or administrative rule, but are made at the request of
12 and the convenience of the permitting authority, or that are required
13 by the permitting authority due to increased or altered traffic flows
14 along the state highway to which the connection provides access in the
15 general area of the permittee's facility.

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

25 **Sec. 5.** RCW 47.50.080 and 1991 c 202 s 8 are each amended to read
26 as follows:

27 (1) Unpermitted connections to the state highway system in
28 existence on July 1, 1990, and in active use shall not require the
29 issuance of a permit and may continue to provide access to the state
30 highway system, unless the permitting authority determines that such a
31 connection does not meet minimum acceptable standards of highway safety
32 and mobility based on accident data, traffic data, and accepted traffic
33 engineering criteria, a copy of which must be provided to the property
34 owner, upon written request. However, a permitting authority may
35 require that a permit be obtained for such a connection if a
36 significant change occurs in the use, design, or traffic flow of the
37 connection or of the state highway to which it provides access. If a

1 permit is not obtained, the connection may be closed pursuant to RCW
2 47.50.040.

3 (2) Access permits granted prior to adoption of the permitting
4 authorities' standards shall remain valid until modified or revoked as
5 provided in this chapter. Access connections to state highways
6 identified on plats and subdivisions approved prior to July 1, 1991,
7 shall be deemed to be permitted pursuant to chapter 202, Laws of 1991.
8 The permitting authority may, after written notification, under rules
9 adopted in accordance with RCW 47.50.030, modify or revoke an access
10 permit granted prior to adoption of the standards by requiring
11 relocation, alteration, or closure of the connection if a significant
12 change occurs in the use, design, or traffic flow of the connection or
13 the state highway to which the connection provides access in the
14 general area of the permittee's facility, and if, as a result of that
15 change, the connection does not meet minimum acceptable standards of
16 highway safety and mobility based on accident and traffic data and
17 accepted traffic engineering criteria.

18 (3) The permitting authority may issue a nonconforming access
19 permit after finding that to deny an access permit would leave the
20 property without a reasonable means of access to the public roads of
21 this state. Every nonconforming access permit shall specify limits on
22 the maximum vehicular use of the connection and shall be conditioned on
23 the availability of future alternative means of access for which access
24 permits can be obtained."

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28 On line 3 of the title, after "47.06.050" strike "and 47.06.090"
29 and insert ", 47.06.090, 47.50.010, 47.50.040, and 47.50.080"

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