
SENATE BILL 6133

State of Washington 53rd Legislature 1994 Regular Session

By Senators Roach, Skratek, Vognild, Snyder, Morton and M. Rasmussen

Read first time 01/13/94. Referred to Committee on Transportation.

1 AN ACT Relating to parades on state highways; and amending RCW
2 47.24.020.

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

4 **Sec. 1.** RCW 47.24.020 and 1993 c 126 s 1 are each amended to read
5 as follows:

6 The jurisdiction, control, and duty of the state and city or town
7 with respect to such streets shall be as follows:

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

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

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

5 (4) The city or town shall at its own expense maintain all
6 underground facilities in such streets, and has the right to construct
7 such additional underground facilities as may be necessary in such
8 streets;

9 (5) The city or town has the right to grant the privilege to open
10 the surface of any such street, but all damage occasioned thereby shall
11 promptly be repaired either by the city or town itself or at its
12 direction;

13 (6) The city or town at its own expense shall provide street
14 illumination and shall clean all such streets, including storm sewer
15 inlets and catch basins, and remove all snow, except that the state
16 shall when necessary plow the snow on the roadway. In cities and towns
17 having a population of twenty-two thousand five hundred or less
18 according to the latest determination of population by the office of
19 financial management, the state, when necessary for public safety,
20 shall assume, at its expense, responsibility for the stability of the
21 slopes of cuts and fills and the embankments within the right of way to
22 protect the roadway itself. When the population of a city or town
23 first exceeds twenty-two thousand five hundred according to the
24 determination of population by the office of financial management, the
25 city or town shall have three years from the date of the determination
26 to plan for additional staffing, budgetary, and equipment requirements
27 before being required to assume the responsibilities under this
28 subsection. The state shall install, maintain, and operate all
29 illuminating facilities on any limited access facility, together with
30 its interchanges, located within the corporate limits of any city or
31 town, and shall assume and pay the costs of all such installation,
32 maintenance, and operation incurred after November 1, 1954;

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

1 (8) Cities and towns have exclusive right to grant franchises not
2 in conflict with state laws, over, beneath, and upon such streets, but
3 the department is authorized to enforce in an action brought in the
4 name of the state any condition of any franchise which a city or town
5 has granted on such street. No franchise for transportation of
6 passengers in motor vehicles may be granted on such streets without the
7 approval of the department, but the department shall not refuse to
8 approve such franchise unless another street conveniently located and
9 of strength of construction to sustain travel of such vehicles is
10 accessible;

11 (9) Every franchise or permit granted any person by a city or town
12 for use of any portion of such street by a public utility shall require
13 the grantee or permittee to restore, repair, and replace to its
14 original condition any portion of the street damaged or injured by it;

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

19 (11) Cities and towns shall regulate and enforce all traffic and
20 parking restrictions on such streets, but all regulations adopted by a
21 city or town relating to speed, parking, and traffic control devices on
22 such streets not identical to state law relating thereto are subject to
23 the approval of the department before becoming effective. All
24 regulations pertaining to speed, parking, and traffic control devices
25 relating to such streets heretofore adopted by a city or town not
26 identical with state laws shall become null and void unless approved by
27 the department heretofore or within one year after March 21, 1963;

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

31 (13) The department shall install, operate, maintain, and control
32 at state expense all traffic control signals, signs, and traffic
33 control devices for the purpose of regulating both pedestrian and motor
34 vehicular traffic on, entering upon, or leaving state highways in
35 cities and towns having a population of twenty-two thousand five
36 hundred or less according to the latest determination of population by
37 the office of financial management. Such cities and towns may submit
38 to the department a plan for traffic control signals, signs, and
39 traffic control devices desired by them, indicating the location,

1 nature of installation, or type thereof, or a proposed amendment to
2 such an existing plan or installation, and the department shall consult
3 with the cities or towns concerning the plan before installing such
4 signals, signs, or devices. Cities and towns having a population in
5 excess of twenty-two thousand five hundred according to the latest
6 determination of population by the office of financial management shall
7 install, maintain, operate, and control such signals, signs, and
8 devices at their own expense, subject to approval of the department for
9 the installation and type only. When the population of a city or town
10 first exceeds twenty-two thousand five hundred according to the
11 determination of population by the office of financial management, the
12 city or town shall have three years from the date of the determination
13 to plan for additional staffing, budgetary, and equipment requirements
14 before being required to assume the responsibilities under this
15 subsection. For the purpose of this subsection, striping, lane
16 marking, and channelization are considered traffic control devices;

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

19 (15) Rights of way for such streets shall be acquired by either the
20 city or town or by the state as shall be mutually agreed upon. Costs
21 of acquiring rights of way may be at the sole expense of the state or
22 at the expense of the city or town or at the expense of the state and
23 the city or town as may be mutually agreed upon. Title to all such
24 rights of way so acquired shall vest in the city or town: PROVIDED,
25 That no vacation, sale, rental, or any other nontransportation use of
26 any unused portion of any such street may be made by the city or town
27 without the prior written approval of the department; and all revenue
28 derived from sale, vacation, rental, or any nontransportation use of
29 such rights of way shall be shared by the city or town and the state in
30 the same proportion as the purchase costs were shared;

31 (16) A city or town with a population of less than twenty-five
32 thousand persons according to the latest determination by the office of
33 financial management may apply to the department for permission to hold
34 a parade on the right of way of the state highway within the city or
35 town. The city or town must apply to the department at least six
36 months before the scheduled event. The department shall establish
37 criteria for granting the parade permit. If the applicant meets the
38 criteria, the department shall grant the permit and issue a liability
39 waiver to the city or town covering the highway right of way within the

1 city or town to be used for the parade. The department shall assume
2 liability for the parade event only;

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

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