

CERTIFICATION OF ENROLLMENT

SENATE BILL 5086

Chapter 84, Laws of 2007

60th Legislature
2007 Regular Session

HIGHWAY MAINTENANCE

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 7, 2007
YEAS 45 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 18, 2007, 9:48 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5086** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 18, 2007

**Secretary of State
State of Washington**

SENATE BILL 5086

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Haugen, Swecker and Murray

Read first time 01/10/2007. Referred to Committee on Transportation.

1 AN ACT Relating to increasing the population threshold for state
2 highway maintenance responsibility in cities and towns; and amending
3 RCW 47.24.020.

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

5 **Sec. 1.** RCW 47.24.020 and 2001 c 201 s 8 are each amended to read
6 as follows:

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

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

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

1 jurisdiction, responsibility, and control to and over such facility as
2 provided in chapter 47.52 RCW;

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

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

13 (5) The city or town has the right to grant the privilege to open
14 the surface of any such street, but all damage occasioned thereby shall
15 promptly be repaired either by the city or town itself or at its
16 direction. Pavement trenching and restoration performed under a
17 privilege granted by the city under this subsection must meet or exceed
18 requirements established by the department;

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

1 such installation, maintenance, and operation incurred after November
2 1, 1954;

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

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

19 (9) Every franchise or permit granted any person by a city or town
20 for use of any portion of such street by a public utility must require
21 the grantee or permittee to restore, repair, and replace any portion of
22 the street damaged or injured by it to conditions that meet or exceed
23 requirements established by the department;

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

28 (11) Cities and towns shall regulate and enforce all traffic and
29 parking restrictions on such streets, but all regulations adopted by a
30 city or town relating to speed, parking, and traffic control devices on
31 such streets not identical to state law relating thereto are subject to
32 the approval of the department before becoming effective. All
33 regulations pertaining to speed, parking, and traffic control devices
34 relating to such streets heretofore adopted by a city or town not
35 identical with state laws shall become null and void unless approved by
36 the department heretofore or within one year after March 21, 1963;

37 (12) The department shall erect, control, and maintain at state

1 expense all route markers and directional signs, except street signs,
2 on such streets;

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

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

31 (15) Rights of way for such streets shall be acquired by either the
32 city or town or by the state as shall be mutually agreed upon. Costs
33 of acquiring rights of way may be at the sole expense of the state or
34 at the expense of the city or town or at the expense of the state and
35 the city or town as may be mutually agreed upon. Title to all such
36 rights of way so acquired shall vest in the city or town: PROVIDED,
37 That no vacation, sale, rental, or any other nontransportation use of
38 any unused portion of any such street may be made by the city or town

1 without the prior written approval of the department; and all revenue
2 derived from sale, vacation, rental, or any nontransportation use of
3 such rights of way shall be shared by the city or town and the state in
4 the same proportion as the purchase costs were shared;

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

Passed by the Senate March 7, 2007.

Passed by the House April 5, 2007.

Approved by the Governor April 18, 2007.

Filed in Office of Secretary of State April 18, 2007.