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SENATE BILL 5584

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State of Washington

63rd Legislature

2013 Regular Session

By Senator Benton

Read first time 02/04/13. Referred to Committee on Transportation.

1 AN ACT Relating to naming or renaming state transportation  
2 facilities; amending RCW 47.01.420; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that our state's  
5 transportation system forms the backbone of Washington's economy. The  
6 legislature further finds that declining transportation revenue has  
7 left the state unable to preserve the integrity of Washington's  
8 transportation facilities. Since 2001, revenues that support  
9 operations and maintenance of the system have declined by ten percent,  
10 while construction costs have risen seventy-seven percent. Decreasing  
11 revenue and increasing costs have forced the state to rely on toll  
12 revenue to fund large projects, placing a substantial burden on the  
13 residents who must use tolled facilities. These residents are facing  
14 large toll increases to meet the state's funding obligations on those  
15 large projects. As a result, the legislature intends to authorize the  
16 sale of naming rights of the state's transportation facilities to pay  
17 for the ongoing operations and maintenance of these facilities and,  
18 when appropriate, to fund future capital needs of these facilities.

1           The legislature further finds that the sale of naming rights is a  
2 policy supported by the federal highway administration which recently  
3 published a directive indicating that, "sponsorship opportunities  
4 benefit the traveling public with an improved transportation system by  
5 providing flexibility for public agencies to pursue innovative sources  
6 of financing for maintenance and construction activities and other  
7 highway-related services. With this additional revenue, public  
8 agencies have the means to provide services critical to enhancing  
9 safety and efficiency of the nation's highways."

10           **Sec. 2.** RCW 47.01.420 and 2007 c 33 s 1 are each amended to read  
11 as follows:

12           (1) The commission may name or rename state transportation  
13 facilities including, but not limited to: State highways; state  
14 highway bridges, structures, and facilities; state rest areas; and  
15 state roadside facilities, such as viewpoints. (~~The commission must  
16 consult with the department before taking final action to name or  
17 rename a state transportation facility.~~)

18           (2)(a) The department, state and local governmental entities,  
19 citizen organizations, and any person may initiate the process to name  
20 or rename a state transportation facility.

21           (b) For the commission to consider a naming or renaming proposal,  
22 the requesting entity or person must provide sufficient evidence, as  
23 determined by the commission, indicating community support and  
24 acceptance of the proposal. Evidence may include the following:

25           (i) Letters of support from state and federal legislators  
26 representing the impacted area encompassing the state transportation  
27 facility;

28           (ii) Resolutions passed by local, publicly elected bodies in the  
29 impacted area encompassing the state transportation facility;

30           (iii) Department support; or

31           (iv) Supportive actions by or letters from local organizations  
32 including, but not limited to, local chambers of commerce and service  
33 clubs.

34           (3) The commission must consult with the department before taking  
35 final action to name or rename a state transportation facility. After  
36 the commission takes final action in naming or renaming a state

1 transportation facility, the department shall design and install the  
2 appropriate signs in accordance with state and federal standards.

3 (4)(a) As an alternative to the naming or renaming process under  
4 subsections (1) through (3) of this section and for requesting entities  
5 or persons willing to pay for such naming or renaming rights, the  
6 commission shall develop, set, and approve by rule the applicable fees  
7 and guidelines governing the naming and renaming of state  
8 transportation facilities as listed in subsection (1) of this section.

9 (b) The fees for naming or renaming any state transportation  
10 facility must exceed the costs associated with the naming or renaming  
11 of the state transportation facility.

12 (c)(i) Any fees collected for naming or renaming a tolled facility  
13 must be deposited into the toll facility account for that facility  
14 being named or renamed, and must only be used for the operations,  
15 maintenance, preservation, improvement, or future capital needs of that  
16 facility.

17 (ii) Any fees collected for naming or renaming any nontolled  
18 facility must be deposited into the motor vehicle account and be used  
19 only for highway purposes.

20 (d) The following content is not permitted when naming or renaming  
21 state transportation facilities under this subsection:

22 (i) Names that are obscene or indecent;

23 (ii) Names that are discriminatory;

24 (iii) Names that are religious;

25 (iv) Names that are political; and

26 (v) Names that describe or promote the following products,  
27 services, or other material:

28 (A) Tobacco, marijuana, and any illegal narcotic;

29 (B) Films rated "X" or "NC-17" and video games rated "A" or "M", or  
30 a similar rating under comparable industry standards;

31 (C) Adult content, including adult books, adult stores, adult  
32 internet web sites, adult telephone services, escort services, or any  
33 other adult entertainment establishment;

34 (D) Material that is false, fraudulent, deceptive, or is otherwise  
35 misleading to the average person; and

36 (E) Any material that is so objectionable under contemporary  
37 community standards as to be reasonably foreseeable that it will incite

1 or produce imminent lawless action in the form of retaliation,  
2 vandalism, or other breach of public safety, peace, and order.

3 (e) The guidelines established under (a) of this subsection must  
4 determine the entity responsible for the installation and maintenance  
5 of signage resulting from the naming or renaming of a facility under  
6 this subsection.

7 (f) The commission must hold at least one public hearing and enable  
8 citizens to participate in the hearing or hearings remotely. After one  
9 or more public hearings, the commission must engage in formal rule  
10 making.

11 (g) By January 1, 2014, the commission must provide a report to the  
12 legislature regarding the guidelines developed under (a) of this  
13 subsection, the terms of any agreements entered into or contemplated  
14 that would authorize the sale of naming or renaming rights, and any  
15 other relevant issues.

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