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HOUSE BILL 2159

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Mitchell, Fisher and Hankins

Read first time 02/20/2001. Referred to Committee on Transportation.

1            AN ACT Relating to maintaining and preserving transportation  
2 facilities and assets; amending RCW 47.06.050, 47.06.090, 47.05.010,  
3 47.05.030, 47.05.051, 47.44.010, 47.44.020, 47.44.050, and 47.24.020;  
4 and creating new sections.

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

6            NEW SECTION.        **Sec. 1.**        The state's current transportation  
7 infrastructure represents public assets worth over one hundred billion  
8 dollars. The legislature finds that reducing wear and tear, providing  
9 cost-effective maintenance and rehabilitation, and identifying and  
10 addressing traffic congestion is essential. The legislature further  
11 finds that the state should develop the analytic tools needed to  
12 measure the benefits and costs for all modes by using a common  
13 methodology. Use of a common methodology enables achievement of the  
14 goal to invest in the most effective mix of strategies, bolstered by  
15 benefit-cost analysis so that the investment benefits are quantifiable  
16 and achievable, and the outcomes will increase mobility and choices for  
17 the traveling public.

1       **Sec. 2.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read  
2 as follows:

3       The state-owned facilities component of the statewide  
4 transportation plan shall consist of:

5       (1) The state highway system plan, which identifies program and  
6 financing needs and recommends specific and financially realistic  
7 improvements to preserve the structural integrity of the state highway  
8 system, ensure acceptable operating conditions, and provide for  
9 enhanced access to scenic, recreational, and cultural resources. The  
10 state highway system plan shall contain the following elements:

11       (a) A system preservation element, which shall establish structural  
12 preservation objectives for the state highway system including bridges,  
13 identify current and future structural deficiencies based upon analysis  
14 of current conditions and projected future deterioration, and recommend  
15 program funding levels and specific actions necessary to preserve the  
16 structural integrity of the state highway system consistent with  
17 adopted objectives. Lowest life cycle cost methodologies must be used  
18 in developing a pavement management system. This element shall serve  
19 as the basis for the preservation component of the six-year highway  
20 program and the two-year biennial budget request to the legislature;

21       (b) A highway maintenance element, establishing service levels for  
22 highway maintenance on state-owned highways that meet benchmarks  
23 established by the transportation commission. The highway maintenance  
24 element must include an estimate of costs for achieving those service  
25 levels over twenty years. This element will serve as the basis for the  
26 maintenance component of the six-year highway program and the two-year  
27 biennial budget request to the legislature;

28       (c) A capacity and operational improvement element, which shall  
29 establish operational objectives, including safety considerations, for  
30 moving people and goods on the state highway system, identify current  
31 and future capacity, operational, and safety deficiencies, and  
32 recommend program funding levels and specific improvements and  
33 strategies necessary to achieve the operational objectives. In  
34 developing capacity and operational improvement plans the department  
35 shall first assess strategies to enhance the operational efficiency of  
36 the existing system before recommending system expansion. Strategies  
37 to enhance the operational efficiencies include but are not limited to  
38 access management, transportation system management, demand management,  
39 and high-occupancy vehicle facilities. The capacity and operational

1 improvement element must conform to the state implementation plan for  
2 air quality and be consistent with regional transportation plans  
3 adopted under chapter 47.80 RCW, and shall serve as the basis for the  
4 capacity and operational improvement portions of the six-year highway  
5 program and the two-year biennial budget request to the legislature;

6 ~~((e))~~ (d) A scenic and recreational highways element, which shall  
7 identify and recommend designation of scenic and recreational highways,  
8 provide for enhanced access to scenic, recreational, and cultural  
9 resources associated with designated routes, and recommend a variety of  
10 management strategies to protect, preserve, and enhance these  
11 resources. The department, affected counties, cities, and towns,  
12 regional transportation planning organizations, and other state or  
13 federal agencies shall jointly develop this element;

14 ~~((d))~~ (e) A paths and trails element, which shall identify the  
15 needs of nonmotorized transportation modes on the state transportation  
16 systems and provide the basis for the investment of state  
17 transportation funds in paths and trails, including funding provided  
18 under chapter 47.30 RCW.

19 (2) The state ferry system plan, which shall guide capital and  
20 operating investments in the state ferry system. The plan shall  
21 establish service objectives for state ferry routes, forecast travel  
22 demand for the various markets served in the system, ~~((and))~~ develop  
23 strategies for ferry system investment that consider regional and  
24 statewide vehicle and passenger needs, support local land use plans,  
25 and assure that ferry services are fully integrated with other  
26 transportation services. The plan must provide for maintenance of  
27 capital assets. The plan must also provide for preservation of capital  
28 assets based on lowest life cycle cost methodologies. The plan shall  
29 assess the role of private ferries operating under the authority of the  
30 utilities and transportation commission and shall coordinate ferry  
31 system capital and operational plans with these private operations.  
32 The ferry system plan must be consistent with the regional  
33 transportation plans for areas served by the state ferry system, and  
34 shall be developed in conjunction with the ferry advisory committees.

35 **Sec. 3.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to read  
36 as follows:

37 The state-interest component of the statewide multimodal  
38 transportation plan shall include an intercity passenger rail plan,

1 which shall analyze existing intercity passenger rail service and  
2 recommend improvements to that service under the state passenger rail  
3 service program including depot improvements, potential service  
4 extensions, and ways to achieve higher train speeds.

5 For purposes of preserving any state-owned component of the state's  
6 passenger rail program, the statewide multimodal transportation plan  
7 must identify all such assets and provide a preservation plan based on  
8 lowest life cycle cost methodologies.

9 **Sec. 4.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to read  
10 as follows:

11 The legislature finds that solutions to state highway deficiencies  
12 have become increasingly complex and diverse and that anticipated  
13 transportation revenues will fall substantially short of the amount  
14 required to satisfy all transportation needs. Difficult investment  
15 trade-offs will be required.

16 It is the intent of the legislature that investment of state  
17 transportation funds to address deficiencies on the state highway  
18 system be based on a policy of priority programming having as its basis  
19 the rational selection of projects and services according to factual  
20 need and an evaluation of life cycle costs and benefits and ((which))  
21 that are systematically scheduled to carry out defined objectives  
22 within available revenue. The state must develop analytic tools to use  
23 a common methodology to measure benefits and costs for all modes.

24 The priority programming system ((shall)) must ensure preservation  
25 of the existing state highway system, relieve congestion, provide  
26 mobility for people and goods, support the state's economy, and promote  
27 environmental protection and energy conservation.

28 The priority programming system ((shall)) must implement the state-  
29 owned highway component of the statewide multimodal transportation  
30 plan, consistent with local and regional transportation plans, by  
31 targeting state transportation investment to appropriate multimodal  
32 solutions ((which)) that address identified state highway system  
33 deficiencies.

34 The priority programming system for improvements ((shall)) must  
35 incorporate a broad range of solutions that are identified in the  
36 statewide multimodal transportation plan as appropriate to address  
37 state highway system deficiencies, including but not limited to  
38 relieving congestion, highway expansion, efficiency improvements,

1 nonmotorized transportation facilities, high occupancy vehicle  
2 facilities, transit facilities and services, rail facilities and  
3 services, and transportation demand management programs.

4 **Sec. 5.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to read  
5 as follows:

6 The transportation commission shall adopt a comprehensive six-year  
7 investment program specifying program objectives and performance  
8 measures for the preservation and improvement programs defined in this  
9 section. In the specification of investment program objectives and  
10 performance measures, the transportation commission, in consultation  
11 with the Washington state department of transportation, shall define  
12 and adopt standards for effective programming and prioritization  
13 practices including a needs analysis process. The needs analysis  
14 process (~~shall~~) must ensure the identification of problems and  
15 deficiencies, the evaluation of alternative solutions and trade-offs,  
16 and estimations of the costs and benefits of prospective projects.  
17 Project prioritization must be based primarily upon cost-benefit  
18 analysis, where appropriate. The investment program (~~shall~~) must be  
19 revised biennially, effective on July 1st of odd-numbered years. The  
20 investment program (~~shall~~) must be based upon the needs identified in  
21 the state-owned highway component of the statewide multimodal  
22 transportation plan as defined in RCW 47.01.071(3).

23 (1) The preservation program (~~shall~~) consists of those  
24 investments necessary to preserve the existing state highway system and  
25 to restore existing safety features, giving consideration to lowest  
26 life cycle costing. The preservation program must require use of the  
27 most cost-effective pavement surfaces based on durability. The  
28 comprehensive six-year investment program for preservation (~~shall~~)  
29 must identify projects for two years and an investment plan for the  
30 remaining four years.

31 (2) The improvement program (~~shall~~) consists of investments  
32 needed to address identified deficiencies on the state highway system  
33 to (~~improve mobility~~) relieve congestion, safety, support for the  
34 economy, and protection of the environment. Transportation demand  
35 modeling tools must be used to evaluate investments. The six-year  
36 investment program for improvements (~~shall~~) must identify projects  
37 for two years and major deficiencies proposed to be addressed in the  
38 six-year period giving consideration to relative benefits and life

1 cycle costing. The transportation commission shall give higher  
2 priority for correcting identified deficiencies on those facilities  
3 classified as facilities of statewide significance as defined in RCW  
4 47.06.140.

5 The transportation commission shall approve and present the  
6 comprehensive six-year investment program to the legislature in support  
7 of the biennial budget request under RCW 44.40.070 and 44.40.080.

8 **Sec. 6.** RCW 47.05.051 and 1998 c 175 s 12 are each amended to read  
9 as follows:

10 (1) The comprehensive six-year investment program shall be based  
11 upon the needs identified in the state-owned highway component of the  
12 statewide multimodal transportation plan as defined in RCW 47.01.071(3)  
13 and priority selection systems that incorporate the following criteria:

14 ~~((1))~~ (a) Priority programming for the preservation program shall  
15 take into account the following, not necessarily in order of  
16 importance:

17 ~~((a))~~ (i) Extending the service life of the existing highway  
18 system, including using the most cost-effective pavement surfaces  
19 available based on durability;

20 ~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed  
21 upon highways and bridges; and

22 ~~((c))~~ (iii) Minimizing life cycle costs. The transportation  
23 commission in carrying out the provisions of this section may delegate  
24 to the department of transportation the authority to select  
25 preservation projects to be included in the six-year program.

26 ~~((2))~~ (b) Priority programming for the improvement program  
27 ~~((shall take into account))~~ must be based primarily upon the following:

28 ~~((a))~~ (i) Traffic congestion, delay, and accidents;

29 (ii) Location within a heavily traveled transportation corridor;

30 (iii) Synchronization with other potential transportation projects,  
31 including transit and multimodal projects, within the heavily traveled  
32 corridor; and

33 (iv) Use of benefit/cost analysis wherever feasible to determine  
34 the value of the proposed project.

35 (c) Priority programming for the improvement program may also take  
36 into account:

37 (i) Support for the state's economy, including job creation and job  
38 preservation;

1       ~~((b))~~ (ii) The cost-effective movement of people and goods;  
2       ~~((e))~~ (iii) Accident and accident risk reduction;  
3       ~~((d))~~ (iv) Protection of the state's natural environment;  
4       ~~((e))~~ (v) Continuity and systematic development of the highway  
5 transportation network;  
6       ~~((f))~~ (vi) Consistency with local comprehensive plans developed  
7 under chapter 36.70A RCW;  
8       ~~((g))~~ (vii) Consistency with regional transportation plans  
9 developed under chapter 47.80 RCW;  
10       ~~((h))~~ (viii) Public views concerning proposed improvements;  
11       ~~((i))~~ (ix) The conservation of energy resources;  
12       ~~((j))~~ (x) Feasibility of financing the full proposed improvement;  
13       ~~((k))~~ (xi) Commitments established in previous legislative  
14 sessions;  
15       ~~((l))~~ (xii) Relative costs and benefits of candidate programs;  
16       ~~((m))~~ (xiii) Available transportation demand management policies  
17 that could be used to reduce demand on the highway system.

18       (d) Major projects addressing capacity deficiencies which  
19 prioritize allowing for preliminary engineering shall be reprioritized  
20 during the succeeding biennium, based upon updated project data.  
21 Reprioritized projects may be delayed or canceled by the transportation  
22 commission if higher priority projects are awaiting funding~~((and))~~.

23       ~~((n))~~ (e) Major project approvals which significantly increase a  
24 project's scope or cost from original prioritization estimates shall  
25 include a review of the project's estimated revised priority rank and  
26 the level of funding provided. Projects may be delayed or canceled by  
27 the transportation commission if higher priority projects are awaiting  
28 funding.

29       ~~((3))~~ (2) The commission may depart from the priority programming  
30 established under subsection~~((s))~~ (1) ~~((and (2))~~ of this section: (a)  
31 To the extent that otherwise funds cannot be utilized feasibly within  
32 the program; (b) as may be required by a court judgment, legally  
33 binding agreement, or state and federal laws and regulations; (c) as  
34 may be required to coordinate with federal, local, or other state  
35 agency construction projects; (d) to take advantage of some substantial  
36 financial benefit that may be available; (e) for continuity of route  
37 development; or (f) because of changed financial or physical conditions  
38 of an unforeseen or emergent nature. The commission or secretary of  
39 transportation shall maintain in its files information sufficient to

1 show the extent to which the commission has departed from the  
2 established priority.

3 ~~((+4))~~ (3) The commission shall identify those projects that yield  
4 freight mobility benefits or that alleviate the impacts of freight  
5 mobility upon affected communities.

6 **Sec. 7.** RCW 47.44.010 and 1980 c 28 s 1 are each amended to read  
7 as follows:

8 (1) The department of transportation may grant franchises to  
9 persons, associations, private or municipal corporations, the United  
10 States government, or any agency thereof, to use any state highway for  
11 the construction and maintenance of water pipes, flume, gas, oil or  
12 coal pipes, telephone, telegraph and electric light and power lines and  
13 conduits, trams or railways, and any structures or facilities ~~((which))~~  
14 that are part of an urban public transportation system owned or  
15 operated by a municipal corporation, agency, or department of the state  
16 of Washington other than the department of transportation, and any  
17 other such facilities. In order to minimize the disruption to traffic  
18 and damage to the roadway, the department is encouraged to develop a  
19 joint trenching policy with other affected jurisdictions so that all  
20 permittees and franchisees requiring access to ground under the roadway  
21 may do so at one time.

22 (2) All applications for ~~((such))~~ the franchise ~~((shall))~~ must be  
23 made in writing and subscribed by the applicant, and ~~((shall))~~ describe  
24 the state highway or portion thereof over which franchise is desired  
25 and the nature of the franchise. The application must also include the  
26 identification of all jurisdictions affected by the franchise and the  
27 names of other possible franchisees who should receive notice of the  
28 application for a franchise.

29 (3) The department of transportation shall adopt rules providing  
30 for a hearing or an opportunity for a hearing with reasonable public  
31 notice thereof with respect to any franchise application involving the  
32 construction and maintenance of utilities or other facilities within  
33 the highway right of way which the department determines may ~~((+1))~~  
34 (a) during construction, significantly disrupt the flow of traffic or  
35 use of driveways or other facilities within the right of way, or  
36 ~~((+2))~~ (b) during or following construction, cause a significant and  
37 adverse effect upon the surrounding environment.

1       **Sec. 8.** RCW 47.44.020 and 1980 c 28 s 2 are each amended to read  
2 as follows:

3       (1) If the department of transportation deems it to be for the  
4 public interest, the franchise may be granted in whole or in part, with  
5 or without hearing under such regulations and conditions as the  
6 department may prescribe, with or without compensation, but not in  
7 excess of the reasonable cost for investigating, handling, and granting  
8 the franchise. The department may require that the utility and  
9 appurtenances be so placed on the highway that they will, in its  
10 opinion, least interfere with other uses of the highway.

11       (2) If a hearing is held, it (~~shall~~) must be conducted by the  
12 department, and may be adjourned from time to time until completed.  
13 The applicant may be required to produce all facts pertaining to the  
14 franchise, and evidence may be taken for and against granting it.

15       (3) The facility (~~shall~~) must be made subject to removal when  
16 necessary for the construction, alteration, repair, or improvement of  
17 the highway and at the expense of the franchise holder, except that the  
18 state shall pay the cost of (~~such~~) the removal whenever the state  
19 (~~shall be~~) is entitled to receive proportionate reimbursement  
20 therefor from the United States in the cases and in the manner set  
21 forth in RCW 47.44.030. Renewal upon expiration of a franchise  
22 (~~shall~~) must be by application.

23       (4) A person constructing or operating such a utility on a state  
24 highway is liable to any person injured thereby for any damages  
25 incident to the work of installation or the continuation of the  
26 occupancy of the highway by the utility, and except as provided above,  
27 is liable to the state for all necessary expenses incurred in restoring  
28 the highway to a permanent suitable condition for travel. A person  
29 constructing or operating such a utility on a state highway is also  
30 liable to the state for all necessary expenses incurred in inspecting  
31 the construction and the pavement or other related transportation  
32 equipment or facilities restoration process used in restoring the  
33 highway to a permanent condition suitable for travel and operation.  
34 Franchise holders are also financially responsible to the department  
35 for trenching work not completed within the contractual period and for  
36 compensating for the loss of useful pavement life caused by trenching.  
37 No franchise may be granted for a longer period than fifty years, and  
38 no exclusive franchise or privilege may be granted.

1       (5) The holder of a franchise granted under this section is  
2 financially responsible to the department for trenching work not  
3 completed within the period of the permit and for compensating for the  
4 loss of useful pavement life caused by trenching. In the case of  
5 common trenching operations, liability under this subsection will be  
6 assessed equally between the participants. The assessed parties may  
7 thereafter pursue claims of contribution or indemnity in accord with  
8 such fault as may be determined by arbitration or other legal action.

9       **Sec. 9.** RCW 47.44.050 and 1984 c 7 s 237 are each amended to read  
10 as follows:

11       (1) The department ((is—empowered to)) may grant a permit to  
12 construct or maintain on, over, across, or along any state highway any  
13 water, gas, telephone, telegraph, light, power, or other such  
14 facilities when they do not extend along the state highway for a  
15 distance greater than three hundred feet. The department may require  
16 such information as it deems necessary in the application for any such  
17 permit, and may grant or withhold the permit within its discretion.  
18 Any permit granted may be canceled at any time, and any facilities  
19 remaining upon the right of way of the state highway after thirty days  
20 written notice of the cancellation ((is—{are})) are an unlawful  
21 obstruction and may be removed in the manner provided by law.

22       (2) The holder of a permit granted under this section is  
23 financially responsible to the department for trenching work not  
24 completed within the period of the permit and for compensating for the  
25 loss of useful pavement life caused by trenching. In the case of  
26 common trenching operations, liability under this subsection will be  
27 assessed equally between the participants. The assessed parties may  
28 thereafter pursue claims of contribution or indemnity in accord with  
29 such fault as may be determined by arbitration or other legal action.

30       **Sec. 10.** RCW 47.24.020 and 1993 c 126 s 1 are each amended to read  
31 as follows:

32       The jurisdiction, control, and duty of the state and city or town  
33 with respect to such streets ((shall be)) is as follows:

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

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

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

13 (4) The city or town shall at its own expense maintain all  
14 underground facilities in such streets, and has the right to construct  
15 such additional underground facilities as may be necessary in such  
16 streets. However, pavement trenching and restoration performed as part  
17 of installation of such facilities must meet requirements established  
18 by the department;

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

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

1 subsection. The state shall install, maintain, and operate all  
2 illuminating facilities on any limited access facility, together with  
3 its interchanges, located within the corporate limits of any city or  
4 town, and shall assume and pay the costs of all such installation,  
5 maintenance, and operation incurred after November 1, 1954;

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

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

22 (9) Every franchise or permit granted any person by a city or town  
23 for use of any portion of such street by a public utility (~~shall~~)  
24 must require the grantee or permittee to restore, repair, and replace  
25 (~~to its original condition~~) any portion of the street damaged or  
26 injured by it to the condition required under standards adopted by the  
27 department;

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

32 (11) Cities and towns shall regulate and enforce all traffic and  
33 parking restrictions on such streets, but all regulations adopted by a  
34 city or town relating to speed, parking, and traffic control devices on  
35 such streets not identical to state law relating thereto are subject to  
36 the approval of the department before becoming effective. All  
37 regulations pertaining to speed, parking, and traffic control devices  
38 relating to such streets heretofore adopted by a city or town not

1 identical with state laws shall become null and void unless approved by  
2 the department heretofore or within one year after March 21, 1963;

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

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

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

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

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

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

17 NEW SECTION. **Sec. 11.** The transportation commission or its  
18 successor entity shall report the results of the following to the  
19 transportation committees of the senate and house of representatives by  
20 December 1, 2001:

21 (1) The priority programming used by the transportation commission  
22 especially as it measures benefits and costs under RCW 47.05.010,  
23 47.05.030, and 47.05.051;

24 (2) An evaluation of the results of the life cycle cost  
25 methodologies developed by the department of transportation under RCW  
26 47.06.050 and 47.06.090 to determine if they meet the benchmarks  
27 established by the commission.

--- END ---