

SENATE BILL REPORT

SB 5959

As Passed Senate, March 19, 2003

Title: An act relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities.

Brief Description: Providing access permits for the deployment of personal wireless facilities off limited access highways.

Sponsors: Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner.

Brief History:

Committee Activity: Technology & Communications: 3/3/03 [DP].

Passed Senate: 3/19/03, 47-0.

SENATE COMMITTEE ON TECHNOLOGY & COMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Staff: William Bridges (786-7424)

Background: A "partially controlled limited access highway" is generally a highway where adjacent property owners have a limited right to enter and exit the highway, sometimes from private driveways or roads. State Route No. 8, west of Olympia, for example, is a partially controlled limited access highway.

The Department of Transportation regulates the roads, called approaches, that connect to a partially controlled limited access highway. For example, the department allows a certain type of approach for single family residences and another type of approach for the operation of farms. When the department allows a certain type of approach, it can only be used for that specific activity. For example, an approach for a single family residence may not be used for commercial traffic.

Wireless telecommunications companies will sometimes lease land on private property that is adjacent to partially controlled limited access highways. While these properties will often have approaches that connect to the adjacent highways, wireless maintenance vehicles are prohibited from using these approaches because they do not fall within the specified activity for the approaches.

Summary of Bill: The Department of Transportation must authorize a type of approach to partially controlled limited access highways for the placement of wireless telecommunications facilities. The approach must be by annual permit and cost no more than \$500 a year. The

permit may be assigned to contractors and subcontractors and is transferable to a new owner if the permit holder is sold or merged.

An intent section declares that the rapid deployment of wireless telecommunications service is critical to public safety, network access, quality of service, and rural economic development. Terms are defined and technical criteria for an approach are specified.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill was prompted by a proposed wireless site on rural private-property adjacent to Highway No. 8. The Department of Transportation refused to allow wireless service vehicles to use the existing private driveway, even though the service vehicles would only be using the driveway once or twice a month. There is a property adjacent to Highway No. 3 that faced the same problem. The department supports the intent of the bill. It is currently working with industry representatives to draft a WAC that will be consistent with provisions in the bill.

Testimony Against: None.

Testified: Don Nelson, WSDOT (pro); Dan Youmans, AT&T Wireless (pro); Barb Young, Sprint (pro).

House Amendment(s): An approach may be used for the construction or maintenance of a wireless facility during nonpeak hours if public safety is not adversely affected. An approach may be used at any time for the construction of a wireless facility if public safety is not adversely affected and there is no substantial interference with the flow of traffic during peak periods.

The Department of Transportation must set the annual cost of a permit in rule. The department must report to the Legislature on the implementation of the permit process by January 15, 2004, and by the first day of the legislative session following the adoption of any increase in the cost of a permit.