
SENATE BILL 5129

State of Washington

62nd Legislature

2011 Regular Session

By Senator Haugen

Read first time 01/14/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to portions of state highways better served by
2 merged fire districts under certain circumstances; amending RCW
3 47.48.031 and 52.06.090; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that portions of state
6 highways may at times be better served by the merger of local fire
7 districts serving the applicable stretch of highway. In certain areas
8 of the state, portions of state highways are located within fire
9 district boundaries that, due to the location of the district's nearest
10 fire station, are not conducive to quick emergency response times
11 supporting that portion of highway. This may result in liability
12 burdens on the part of those responsible for managing that stretch of
13 state highway. In these circumstances, an adjacent fire district often
14 has a fire station located closer to the affected portion of state
15 highway that would provide quicker and more efficient emergency
16 response services. Therefore, it is the intent of the legislature that
17 the existing mechanism for merging fire districts be streamlined in
18 order to more efficiently facilitate a partial merger of fire districts

1 such that affected portions of state highways can be better served with
2 quicker emergency response times by the merger district.

3 **Sec. 2.** RCW 47.48.031 and 1981 c 197 s 1 are each amended to read
4 as follows:

5 (1) Whenever the chief or another officer of the state patrol
6 determines on the basis of a traffic investigation that an emergency
7 exists or less than safe road conditions exist due to human-caused or
8 natural disasters or extreme weather conditions upon any state highway,
9 or any part thereof, state patrol officers may determine and declare
10 closures and temporarily reroute traffic from any such affected
11 highway. The emergency or less than safe road conditions may also
12 exist due to a fire on a portion of state highway being served by a
13 merged fire district established under the conditions identified in RCW
14 52.06.090(2).

15 (2) Any alteration of vehicular traffic on any state highway due to
16 closure in emergency conditions is effective until such alteration has
17 been approved or altered by the secretary of transportation or other
18 department of transportation authorities in their local respective
19 jurisdictions.

20 (3) All state highway closures by officers of the state patrol
21 shall be immediately reported to the secretary of transportation and to
22 other authorities in their local jurisdictions.

23 **Sec. 3.** RCW 52.06.090 and 1989 c 63 s 16 are each amended to read
24 as follows:

25 (1)(a) Except as otherwise provided in subsection (2) of this
26 section, a part of one district may be transferred and merged with an
27 adjacent district if the area can be better served by the ((merged))
28 merger district. To effect such a merger, a petition, signed by a
29 majority of the commissioners of the merging district or signed by not
30 less than fifteen percent of the qualified electors residing in the
31 area to be merged, shall be filed with the commissioners of the merging
32 district, if signed by electors, or with the commissioners of the
33 merger district if signed by commissioners of the merging district. If
34 the commissioners of the merging district approve the petition, the
35 petition shall be presented to the commissioners of the merger

1 district. If the commissioners of the merger district approve the
2 petition, an election shall be called in the area to be merged.

3 (b) In the event that either board of fire district commissioners
4 does not approve the petition, the petition may be approved by the
5 boundary review board of the county or the county legislative authority
6 of the county in which the area to be merged is situated, and may
7 approve the merger if it decides the area can be better served by a
8 merger. If the part of the merging district that is proposed to merge
9 with the merger district is located in more than one county, the
10 approval must be by the boundary review board or county legislative
11 authority of each county. If there is an affirmative decision, an
12 election shall be called in the area to be merged.

13 (c) A majority of the votes cast is necessary to approve the
14 transfer.

15 (2) The transfer and merger of part of one district to an adjacent
16 district may also occur and does not require an election or approval by
17 a boundary review board or county legislative authority if:

18 (a) The area to be merged:

19 (i) Includes portions of a state highway;

20 (ii) Can be better served by the merger district with quicker
21 emergency response times, as determined by the commissioners of the
22 merger district in (c) of this subsection; and

23 (iii) Has an assessed value of less than one-half of one percent of
24 the total assessed value of the merging district;

25 (b) The merging district does not own a fire station located within
26 the area to be merged; and

27 (c) A resolution is adopted by a majority of the commissioners of
28 the merger district (i) finding that the merger district can provide
29 quicker emergency response times to the proposed area to be merged and
30 that the merger is in the public interest, and (ii) declaring the
31 portion of the district merged in the same manner and to the same
32 effect as if it had been authorized by an election. However, the
33 commissioners of the merger district must consult with the
34 commissioners of the merging district regarding the merger at least
35 thirty days prior to adoption of the resolution.

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