

Chapter 47.04 RCW
GENERAL PROVISIONS

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Mobile home or park model trailer movement permits and decals: RCW 46.44.170, 46.44.175.

RCW 47.04.010 Definitions. The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Active transportation" includes forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric-assisted bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation;

(2) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(3) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(4) "Business district." The territory contiguous to and including a highway, as herein defined, when within any 600 feet along such highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway;

(5) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

- (6) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;
- (7) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;
- (8) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;
- (9) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;
- (10) "Complete streets" means an approach to planning, designing, building, operating, and maintaining streets that enable safe access along and across the street for all people, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. It incorporates principles of a safe system approach;
- (11) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;
- (12) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;
- (13) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;
- (14) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;
- (c) The junction of an alley with a street or highway shall not constitute an intersection;
- (15) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;
- (16) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;
- (17) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;
- (18) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;
- (19) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

- (20) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;
- (21) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;
- (22) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;
- (23) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;
- (24) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;
- (25) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in RCW 46.04.415, or a means of conveyance propelled by human power other than a bicycle;
- (26) "Person." Every natural person, firm, copartnership, corporation, association, or organization;
- (27) "Personal wireless service." Any federally licensed personal wireless service;
- (28) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;
- (29) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;
- (30) "Population center" includes incorporated cities and towns, including their urban growth areas, and census-designated places;
- (31) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;
- (32) "Railroad." A carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;
- (33) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
- (34) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of 300 feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;
- (35) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;
- (36) "Safe system approach" means an internationally recognized holistic and proactive approach to road safety intended to systematically reduce fatal and serious injury crash potential; as described by the federal highway administration, the approach is based on the following elements: Safe roads, safe speeds, safe vehicles,

safe road users, and postcrash care. The safe system approach is incorporated through policies and practices of state agencies and local governments with appropriate jurisdiction;

(37) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(38) "Shared-use path," also known as a "multiuse path," means a facility designed for active transportation use and physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. Shared-use paths are primarily used by pedestrians and people using bicycles or micromobility devices, including those who use nonmotorized or motorized wheeled mobility or assistive devices. With appropriate design considerations, equestrians may also be accommodated by a shared-use path facility;

(39) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(40) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(41) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(42) "Streetcar." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(43) "Structurally deficient." A state bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency;

(44) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel;

(45) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(46) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(47) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except streetcars;

(48) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as

defined in RCW 46.04.415, or devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [2023 c 431 s 11. Prior: 2015 3rd sp.s. c 10 s 3; prior: 2003 c 244 s 2; 2003 c 141 s 8; 1975 c 62 s 50; 1967 ex.s. c 145 s 42; 1961 c 13 s 47.04.010; prior: 1937 c 53 s 1; RRS s 6400-1.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Intent—2023 c 431: See note following RCW 46.17.015.

Effective date—Findings—Intent—2015 3rd sp.s. c 10: See notes following RCW 43.21C.480.

Severability—1975 c 62: See note following RCW 36.75.010.

Aeronautics, definitions relating to: RCW 47.68.020.

Canal, defined: RCW 47.72.060.

Department, commission, secretary—Defined: RCW 47.01.021.

Ferry workers, marine employees, definitions relating to: RCW 47.64.011.

Junkyards, definitions relating to: RCW 47.41.020.

Limited access facilities, definitions relating to: RCW 47.52.010.

Signs and scenic vistas, definitions relating to: RCW 47.42.020.

Toll bridges, roads, definitions relating to: RCW 47.56.010.

Urban arterials, definitions relating to: RCW 47.26.040, 47.26.090, 47.26.100, 47.26.110.

Urban public transportation systems—Defined: RCW 47.04.082.

RCW 47.04.015 Change of meaning, certain terms. Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in RCW 47.01.031.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in RCW 47.01.041. [1977 ex.s. c 151 s 23.]

RCW 47.04.020 Classification of highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the department with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads. [1984 c 7 s 85; 1967 ex.s. c 145 s 41; 1963 c 24 s 3; 1961 c 13 s 47.04.020. Prior: 1937 c 207 s 1; RRS s 6402-1; 1937 c 53 s 5; RRS s 6400-5; 1913 c 65 s 1; RRS s 6790.]

Highway designation system—Signs: RCW 47.36.095.

RCW 47.04.035 Street access—Principles of complete streets—Requirements. (1) In order to improve the safety, mobility, and accessibility of state highways, it is the intent of the legislature that the department must incorporate the principles of complete streets with facilities that provide street access with all users in mind, including pedestrians, bicyclists, and public transportation users, notwithstanding the provisions of RCW 47.24.020 concerning responsibility beyond the curb of state rights-of-way. As such, state transportation projects starting design on or after July 1, 2022, and that are \$500,000 or more, must:

(a) Identify those locations on state rights-of-way that do not have a complete and Americans with disabilities act accessible sidewalk or shared-use path, that do not have bicycle facilities in the form of a bike lane or adjacent parallel trail or shared-use path, that have such facilities on a state route within a population center that has a posted speed in excess of 30 miles per hour and no buffer or physical separation from vehicular traffic for pedestrians and bicyclists, and/or that have a design that hampers the ability of motorists to see a crossing pedestrian with sufficient time to stop given posted speed limits and roadway configuration;

(b) Consult with local jurisdictions to confirm existing and planned active transportation connections along or across the location; identification of connections to existing and planned public transportation services, ferry landings, commuter and passenger rail, and airports; the existing and planned facility type(s) within the local jurisdiction that connect to the location; and the potential use of speed management techniques to minimize crash exposure and severity;

(c) Adjust the speed limit to a lower speed with appropriate modifications to roadway design and operations to achieve the desired operating speed in those locations where this speed management approach aligns with local plans or ordinances, particularly in those contexts that present a higher possibility of serious injury or fatal crashes occurring based on land use context, observed crash data, crash potential, roadway characteristics that are likely to increase exposure, or a combination thereof, in keeping with a safe system approach and with the intention of ultimately eliminating serious and fatal crashes; and

(d) Plan, design, and construct facilities providing context-sensitive solutions that contribute to network connectivity and safety for pedestrians, bicyclists, and people accessing public transportation and other modal connections, such facilities to include Americans with disabilities act accessible sidewalks or shared-use paths, bicyclist facilities, and crossings as needed to integrate the state route into the local network.

(2) Projects undertaken for emergent work required to reopen a state highway in the event of a natural disaster or other emergency repair are not required to comply with the provisions of this section.

(3) Maintenance of facilities constructed under this provision shall be as provided under existing law.

(4) This section does not create a private right of action.

[2022 c 182 s 418. Formerly RCW 47.24.060.]

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.040 Title to rights-of-way vested in state. Upon and after April 1, 1937, all rights-of-way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the department of transportation.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right-of-ways [rights-of-way] thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right-of-way thereof. [1979 ex.s. c 30 s 7; 1961 c 13 s 47.04.040. Prior: 1937 c 53 s 29; RRS s 6400-29.]

RCW 47.04.045 Wireless service facilities—Right-of-way leases—Rules. (1) For the purposes of this section:

(a) "Right-of-way" means all state-owned land within a state highway corridor.

(b) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, or person that owns, operates, or manages any personal wireless service facility. "Service provider" includes a service provider's contractors, subcontractors, and legal successors.

(2) The department shall establish a process for issuing a lease for the use of the right-of-way by a service provider and shall require that telecommunications equipment be colocated on the same structure whenever practicable. Consistent with federal highway administration approval, the lease must include the right of direct ingress and egress from the highway for construction and maintenance of the personal wireless service facility during nonpeak hours if public safety is not adversely affected. Direct ingress and egress may be allowed at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods. The lease may specify an indirect ingress and egress to the facility if it is reasonable and available for the particular location.

(3) The cost of the lease must be limited to the fair market value of the portion of the right-of-way being used by the service provider and the direct administrative expenses incurred by the department in processing the lease application.

If the department and the service provider are unable to agree on the cost of the lease, the service provider may submit the cost of the lease to binding arbitration by serving written notice on the department. Within thirty days of receiving the notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or panel shall determine the cost of the lease based on comparable siting agreements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(4) The department shall act on an application for a lease within sixty days of receiving a completed application, unless a service provider consents to a different time period.

(5) The reasons for a denial of a lease application must be supported by substantial evidence contained in a written record.

(6) The department may adopt rules to implement this section.

(7) All lease money paid to the department under this section shall be deposited in the motor vehicle fund created in RCW 46.68.070. [2003 c 244 s 5.]

RCW 47.04.046 Wireless site leases—Pending applications.

Applications for wireless site leases pending on July 27, 2003, must be treated as applications under RCW 47.04.045 with the consent of the applicant. [2003 c 244 s 8.]

RCW 47.04.047 Personal wireless service facilities. Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

It is the declared policy of this state to assure that the use of rights-of-way of state highways accommodate the deployment of personal wireless service facilities consistent with highway safety and the preservation of the public investment in state highway facilities. [2004 c 131 s 2.]

RCW 47.04.050 Acceptance of federal acts. The state of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington. [1961 c 13 s 47.04.050. Prior: 1937 c 53 s 43; RRS s 6400-43; 1917 c 76 s 1; RRS s 6844.]

RCW 47.04.060 Administration of federal grants. The department is authorized and directed to act for and on behalf of the state of Washington, and any political subdivision of the state, in all things pertaining to the selection, construction, and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of transportation or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road, or city or town street selected by law for construction or improvement through an appropriation for the period in which the construction or improvement is to be made. The money shall be added to and expended in connection with the appropriation aforesaid; and shall apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road, or street fund of any political subdivision, and which are available for the construction and maintenance of any section of state highway, county road, or city or town street selected as aforesaid for such aid and improvement. [1984 c 7 s 86; 1961 c 13 s 47.04.060. Prior: 1937 c 53 s 47; RRS s 6400-47; 1917 c 76 s 5, part; RRS s 6848, part.]

RCW 47.04.070 Conformity with federal requirements. In all matters relating to the cooperative construction or improvement of any state highway, county road, or city or town street for which federal funds or aid is secured under any act of congress, the department shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of transportation or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the department as may be

necessary. [1984 c 7 s 87; 1961 c 13 s 47.04.070. Prior: 1937 c 53 s 44; RRS s 6400-44; 1917 c 76 s 5, part; RRS s 6848, part.]

RCW 47.04.080 Joint action with other governments and agencies.

The department is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right-of-way therefor. [1984 c 7 s 88; 1973 1st ex.s. c 151 s 11; 1961 c 13 s 47.04.080. Prior: 1937 c 53 s 47 1/2; RRS s 6400-47 1/2.]

RCW 47.04.081 Urban public transportation systems—Participation in planning, development, and establishment.

The department is empowered to join financially or otherwise with any public agency or any county, city, or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development, and establishment of urban public transportation systems in conjunction with new or existing highway facilities. [1984 c 7 s 89; 1967 c 108 s 13; 1965 ex.s. c 170 s 63.]

Urban public transportation system defined: RCW 47.04.082.

RCW 47.04.082 Urban public transportation systems—Defined.

As used in chapter 108, Laws of 1967, "urban public transportation system" means a system for the public transportation of persons or property by buses, streetcars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any public agency, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interest forming a part of such a system. [2013 c 113 s 6; 1967 c 108 s 1.]

RCW 47.04.083 Urban public transportation systems—Declaration of public policy—Use of motor vehicle, city street, or county road funds.

The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county road funds to pay the full proportionate highway, street or road share of the costs of

design, right-of-way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system. [1967 c 108 s 2.]

RCW 47.04.090 Penalty. It is a misdemeanor for any person to violate any of the provisions of this title unless specifically provided otherwise by this title or other law of this state.

Unless another penalty is provided in this title, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished in accordance with chapter 9A.20 RCW. [1989 c 224 s 2; 1961 c 13 s 47.04.090. Prior: 1937 c 53 s 95; RRS s 6400-95.]

RCW 47.04.095 Bridge jumping hazard signs. (1) Before entering into any contract for the construction of or replacement of any bridge, excluding bridges that are replacing culverts that are barriers to fish passage, the secretary, or a designated employee, must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazards of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the department if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of chapter 54, Laws of 2023, notwithstanding any other provision of law. [2023 c 54 s 6.]

Short title—Intent—Finding—2023 c 54: See notes following RCW 35.21.095.

RCW 47.04.100 Temporary route pending construction of new highway—Streets, roads not to be maintained as. Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road may be maintained or improved by the department as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the department. [1984 c 7 s 90; 1973 1st ex.s. c 151 s 12; 1965 ex.s. c 170 s 34.]

RCW 47.04.125 Collection of preservation rating information for highways. Given the importance of cost-effective asset management and

maintaining a state of good repair, the department shall continue to collect preservation rating information for all types of highways for which it collects this information as of July 28, 2019. [2019 c 36 s 2.]

RCW 47.04.140 Counties obtaining federal aid for construction, reconstruction, etc., of ferry boats or approaches. Whenever a county that operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat or approaches thereto under Title 23, United States Code, the following provisions apply to the county's operation of its ferries:

(1) The county shall obtain from the department a franchise authorizing the ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The department shall issue the franchise or amended franchise for the operation of each route that it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the department.

(2) At least ninety days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries or approaches thereto, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the department, the current or proposed schedule of tolls and charges for use of its ferries. Such tolls and charges shall be deemed approved by the department unless it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, administration, and repair of the county's ferries and their appurtenances. [1989 c 62 s 1; 1984 c 7 s 91; 1975-'76 2nd ex.s. c 65 s 1.]

RCW 47.04.150 Outstanding bonds—Savings. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by RCW 47.01.031, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by *RCW 47.01.111 to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by

the holders of such bonds, warrants, certificates, or receipts. [1977 ex.s. c 151 s 19.]

***Reviser's note:** RCW 47.01.111 was decodified pursuant to 1985 c 6 s 26.

RCW 47.04.160 Lewis and Clark bridge. In commemoration of the 175th anniversary of captains Meriwether Lewis and William Clark's epic journey from Wood River, Illinois, to Cape Disappointment, Washington, and to fully honor the expedition's passing the present location of the city of Longview, Washington, in November, 1805, and to couple this commemoration with the dedication of the bridge from Longview, Washington, to Rainier, Oregon, on March 29, 1930, the official name of this bridge is changed from the Longview-Columbia bridge to the Lewis and Clark bridge. [1980 c 5 s 1.]

RCW 47.04.170 Federal agreements for public transportation, rail transportation. The department of transportation is authorized to enter into and perform agreements with federal agencies as may be necessary to secure federal grants, loans, or other assistance on its own behalf or on behalf of other public or private recipients for:

(1) Public transportation purposes, including but not limited to, bus transportation, specialized transportation services for individuals who are aging or persons with a disability, and ride-sharing activities; and

(2) Rail transportation. [2020 c 274 s 29; 1985 c 20 s 1.]

RCW 47.04.180 Twenty-four hour headlight policy. On the recommendation of their public works departments or designees, counties or cities can petition the department of transportation to create a "twenty-four hour headlight policy" on state highways in their respective jurisdictions. The department shall develop criteria for approval or disapproval, such as traffic volume, accident statistics, and costs of signs. The department shall notify all counties about this program.

A jurisdiction requesting such a policy shall periodically report to the department regarding its educational efforts. A jurisdiction may petition the department to remove such a policy.

The jurisdiction shall educate its citizens on the "twenty-four hour headlight policy." The department shall place and maintain appropriate signs along the designated highway. Participating jurisdictions shall share in the cost of signing in an amount as determined by the department. [1998 c 245 s 94; 1989 c 195 s 1.]

RCW 47.04.190 Bicycle transportation management program. (1) The department of transportation is responsible for the initiation, coordination, and operation of a bicycle transportation management program.

(2) To assist in the operation of the bicycle transportation management program, a full-time staff position of state bicycle program manager is established within the department of transportation. [1991 c 214 s 5.]

Bicycle awareness program: RCW 43.43.390.

Pavement marking standards: RCW 47.36.280.

RCW 47.04.200 Bicycle program manager. The state bicycle program manager shall:

(1) Design programs that encourage the use of bicycling for transportation;

(2) Coordinate bicycle safety related programs and bicycle tourism programs in all state agencies;

(3) Assist the department of transportation and the cities and counties of the state in assigning priorities to, programming, and developing bicycle-related projects;

(4) Serve as a clearinghouse for bicycle program information and resources;

(5) Provide assistance in revising and updating bicycle material of the superintendent of public instruction and the state patrol;

(6) Promote the use of bicycle helmets of a type certified to meet the requirements of standard Z-90.4 of the American national standards institute or such subsequent nationally recognized standard for bicycle helmet performance; and

(7) Promote bicycle safety equipment. [1991 c 214 s 6.]

RCW 47.04.210 Reimbursable transportation expenditures— Processing and accounting. Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation account.

The department of transportation shall provide an annual report to the senate and house transportation committees and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed. [2005 c 319 s 122; 2001 2nd sp.s. c 14 s 601; 1997 c 94 s 1.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Severability—2001 2nd sp.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 2nd sp.s. c 14 s 612.]

Effective date—2001 2nd sp.s. c 14: "Except for section 608 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 26, 2001]." [2001 2nd sp.s. c 14 s 613.]

Effective date—1997 c 94: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 94 s 4.]

RCW 47.04.220 Miscellaneous transportation programs account.

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the senate and house transportation committees and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle fund and the

multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the senate and house transportation committees and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed. [2005 c 319 s 123; 2001 2nd sp.s. c 14 s 602; 1997 c 94 s 2.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Severability—Effective date—2001 2nd sp.s. c 14: See notes following RCW 47.04.210.

Effective date—1997 c 94: See note following RCW 47.04.210.

RCW 47.04.230 Dredge spoils—Cowlitz County. The legislature finds and declares that the December 19, 1991, Washington state conveyance of the Mt. St. Helens Recovery Program, LT-1 and Cook Ferry Road Sites, to Cowlitz County, should be amended to enable Cowlitz County to use dredge spoils revenues for recreational purposes throughout the county.

The legislature further declares that the department of transportation shall execute sufficient legal release to accomplish the following:

(1) Dredge spoil revenues from either the LT-1 or Cook Ferry Road Site must be dedicated for recreational facilities and recreational administration costs throughout the county;

(2) Any mining excavation must meet the requirements of the Shoreline Management Act of 1971 as identified in chapter 90.58 RCW;

(3) Both the LT-1 and Cook Ferry Road Site must be preserved as a long-term dredging facility;

(4) All other requirements in the December 19, 1991, conveyance between the state of Washington and Cowlitz County will remain in effect; and

(5) The LT-1 and Cook Ferry Road Site remains subject to any agreements with the United States Army Corps of Engineers and other agencies of the federal government. [1999 c 63 s 1.]

RCW 47.04.235 Dredge spoils—Castle Rock. The legislature finds and declares that the December 20, 1993, Washington state conveyance of the Mt. St. Helens recovery program, CR601F site, to the city of Castle Rock, should be amended to enable the city to use dredge spoil revenues for recreational purposes adjacent to the Cowlitz river in the city limits of Castle Rock, and also those other properties owned by the city of Castle Rock that are adjacent to the Cowlitz river.

The legislature further declares that the department of transportation shall execute sufficient legal release to accomplish the following:

(1) Dredge spoil revenues from the CR601F site must be dedicated for recreational facilities and recreational administration cost throughout the defined area listed above;

(2) Any mining excavation must meet the requirements of the Shoreline Management Act of 1971 as identified in chapter 90.58 RCW;

(3) All other requirements in the December 20, 1993, conveyance between the state of Washington and the city of Castle Rock will remain in effect; and

(4) The CR601F site remains subject to any agreements with the United States Army Corps of Engineers and other agencies of the federal government. [2000 c 13 s 1.]

RCW 47.04.240 Public transportation information—

Confidentiality. The department, a county, city, town, any other public entity, and any private entity under the public-private transportation initiatives authorized under chapter 47.46 RCW, that provides transit, high-speed ground transportation, high capacity transportation service, ferry service, toll facilities, or other public transportation service or facilities may only use personally identifiable information obtained from the use of electronic toll payments, transit passes, or other fare media such as magnetic strip cards or stored value cards for billing purposes. This information may not be used to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual. [1999 c 215 s 2.]

Public records: Chapter 42.56 RCW.

RCW 47.04.250 Assaults by motorists on department employees.

(1) For the purposes of this section only, "assault" means an act by a motorist that results in physical injury to an employee of the department while engaged in highway construction or maintenance activities along a roadway right-of-way (fence line to fence line, landscaped areas) or in the loading and unloading of passenger vehicles in service of the vessel as a maritime employee not covered under chapter 51.32 RCW or engaged in those work activities as a Washington state ferries terminal employee covered under chapter 51.32 RCW.

(2) In recognition of the nature of employment in departmental highway construction or maintenance activities and by the Washington state ferries, this section provides a supplementary program to reimburse employees of the department for some of their costs attributable to their being the victims of assault by motorists. This program is limited to the reimbursement provided in this section.

(3) An employee is entitled to receive the reimbursement provided in this section only if the secretary finds that each of the following has occurred:

(a) A motorist has assaulted the employee who is engaged in highway construction or maintenance along a roadway right-of-way (fence line to fence line, landscaped areas) or service of the vessel as a maritime employee or terminal employee engaged in the loading or unloading of passenger vehicles and as a result the employee has sustained demonstrated physical injuries that have required the employee to miss one or more days of work;

(b) The assault is not attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application under chapter 51.32 RCW, or for maritime employees the department of transportation risk management office has approved maintenance and cure benefits under 46 U.S.C. Sec. 688 et seq.

(4) The reimbursement authorized under this section is as follows:

(a) The employee's accumulated sick leave days will not be reduced for the workdays missed. The injured worker who qualifies for and receives assault benefits will also receive full standard benefits (vacation leave, sick leave, health insurance, etc.) as if uninjured;

(b) For an employee covered by chapter 51.32 RCW, for each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee will receive the full amount of the injured worker's net pay at the time of injury; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, or under federal maritime law benefits, including the Jones Act, for an employee deemed a maritime employee assigned to work in service of the vessel or a nonmaritime terminal employee covered under chapter 51.32 RCW, the employee will be reimbursed in an amount that, when added to that compensation, will result in the employee receiving no more than full net pay (gross pay less mandatory and voluntary deductions) for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury. No application for assault benefits is valid nor may a claim be enforced unless it was made within one year after the day upon which the injury occurred.

(6) The employee is not entitled to the reimbursement provided in subsection (4) of this section for a workday for which the secretary or an applicable designee finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW or federal maritime law, including the Jones Act.

(7) The reimbursement may be made only for absences that the secretary or an applicable designee believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she will continue to be classified as a state employee, and the reimbursement amount is considered as salary or wages.

(9) The department shall make all reimbursement payments required to be made to employees under this section. The payments are considered as a salary or wage expense and must be paid by the department in the same manner and from the same appropriations as other salary and wage expenses for the department.

(10) Nothing in this section precludes the department from recovering the supplemental payments authorized by this section from the assaulting motorist, and that recovery is considered exclusive of recovery under chapter 51.24 RCW.

(11) If the legislature revokes the reimbursement authorized under this section or repeals this section, no affected employee is entitled after that to receive the reimbursement as a matter of contractual right. [2002 c 355 s 1.]

RCW 47.04.260 Latecomer fees. The department of transportation may impose and collect latecomer fees on behalf of another entity for infrastructure improvement projects initially funded partially or entirely by private sources. However, there must be an agreement in place between the department of transportation and the entity, before the imposition and collection of any such fees, that specifies (1) the collection process, (2) the maximum amount that may be collected, and (3) the period of time during which the collection may occur. [2005 c 317 s 30.]

RCW 47.04.270 Tire chain installation and removal. The department may issue written permits authorizing permittees to install or remove tire chains on motor vehicles with the following conditions:

- (1) Chains may only be installed or removed at locations designated in the permit;
- (2) Permittees must comply with terms and conditions in the permit relating to the safe and orderly movement of traffic; and
- (3) Permittees may charge a fee to drivers for their services.

The department may issue sufficient permits for the installation or removal of tire chains that it finds necessary or desirable to accommodate the demand for those services consistent with the maximum convenience and safety to traffic. In issuing the permits, the department shall insure that the maximum practicable number of different individuals and entities receive permits, and that no one entity, to the extent practicable, is the sole permit holder for a particular location. The department may charge a fee no greater than fifty dollars to permittees for the issuance of permits. The department, in issuing a permit for the installation or removal of tire chains, assumes no responsibility for the actions, inactions, competence, or reliability of the permittee in performing those services and shall not be liable for the damages relating to acts or omissions of the permittees. The department shall adopt rules to implement this section, including requiring permittees to wear reflective clothing and use appropriate signage. [2006 c 324 s 1.]

RCW 47.04.280 Transportation system policy goals. (1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. Public investments in transportation should support achievement of these policy goals:

- (a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services, including the state ferry system;
- (b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;
- (c) Stewardship: To continuously improve the quality, effectiveness, resilience, and efficiency of the transportation system;
- (d) Mobility: To improve the predictable movement of goods and people throughout Washington state, including congestion relief and improved freight mobility;
- (e) Economic vitality: To promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy; and

(f) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section with preservation and safety being priorities.

(3) These policy goals are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(4) It is the intent of the legislature that the office of financial management, in consultation with the transportation commission, establish objectives and performance measures for the department and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) A local or regional agency engaging in transportation planning may voluntarily establish objectives and performance measures to demonstrate progress toward the attainment of the policy goals set forth in subsection (1) of this section or any other transportation policy goals established by the local or regional agency. A local or regional agency engaging in transportation planning is encouraged to provide local and regional objectives and performance measures to be included with the objectives and performance measures submitted to the legislature pursuant to subsection (4) of this section.

(6) This section does not create a private right of action.
[2021 c 153 s 1; 2016 c 35 s 3. Prior: 2015 3rd sp.s. c 16 s 1; 2015 3rd sp.s. c 1 s 304; 2013 c 199 s 1; 2010 c 74 s 1; 2007 c 516 s 3; 2002 c 5 s 101. Formerly RCW 47.01.012.]

Effective date—2015 3rd sp.s. c 16: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 6, 2015]." [2015 3rd sp.s. c 16 s 2.]

Findings—Intent—2007 c 516: See note following RCW 47.01.011.

Effective date—2002 c 5 s 101: "Section 101 of this act takes effect July 1, 2002." [2002 c 5 s 102.]

Captions not law—2002 c 5: "Captions and part headings used in this act are not part of the law." [2002 c 5 s 419.]

Severability—2002 c 5: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 5 s 420.]

RCW 47.04.285 Review of and comment on state transportation policy goals by office of financial management—Biennial report. By October 1, 2016, and by October 1st biennially thereafter, the office of financial management shall review and comment prior to the department of transportation submitting to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established under RCW 47.04.280. [2016 c 35 s 2.]

RCW 47.04.290 Park and ride lot accommodation—Definitions. (1) Any local transit agency that has received state funding for a park and ride lot shall make reasonable accommodation for use of that lot by: Auto transportation companies regulated under chapter 81.68 RCW; passenger charter carriers regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; private, nonprofit transportation providers regulated under chapter 81.66 RCW; and private employer transportation service vehicles, provided that such use does not interfere with the efficiency, reliability, and safety of public transportation operations. The accommodation must be in the form of an agreement between the applicable local transit agency and the private transportation provider. The transit agency may require that the agreement include provisions to recover actual costs and fair market value for the use of the lot and its related facilities and to provide adequate insurance and indemnification of the transit agency, and other reasonable provisions to ensure that the private transportation provider's use does not unduly burden the transit agency. The transit agency may consider benefits to its public transportation system when establishing an amount to charge for the use of the park and ride lot and its related facilities. If the agreement includes provisions to recover actual costs, the private transportation provider is responsible to remit the full actual costs of park and ride lot use to the appropriate transit agency. No accommodation is required, and any agreement may be terminated, if the park and ride lot is at or exceeds ninety percent capacity between the hours of 6:00 a.m. and 4:00 p.m., Monday through Friday for two consecutive months. Additionally, any agreement may be terminated if the private transportation provider violates any policies guiding the terms of use of the park and ride lot. The transit agency may reserve the authority to designate which pickup and drop-off zones of the park and ride lot may be used by the private transportation provider.

(2) A local transit agency described under subsection (1) of this section may enter into a cooperative agreement with a taxicab company regulated under chapter 81.72 RCW in order to accommodate the taxicab company at the agency's park and ride lot, provided the taxicab company must agree to provide service with reasonable availability, subject to schedule coordination provisions as agreed to by the parties.

(3) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route

transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

(4) For the purposes of this section, "private transportation provider" means:

(a) A company regulated under chapter 81.68 RCW; chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; and chapter 81.66 RCW; and

(b) An entity providing private employer transportation service.

(5) (a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (4) of this section, to apply for the use of park and ride facilities.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(6) The department must convene a stakeholder process that includes interested public and private transportation providers, which must develop standard permit forms, clear explanations of permit rate calculations, and standard indemnification provisions that may be used by all local authorities. [2011 c 379 s 2; 2008 c 257 s 1.]

Conflict with state and federal environmental mitigation requirements—2011 c 379: See note following RCW 46.61.165.

RCW 47.04.295 Park and ride lots—Leases with private entities authorized—Rules. (1) The department, or any local transit agency that has received state funding for a park and ride lot, may enter into a lease with private entities allowing them to operate food or beverage retailers, restaurants, grocery and convenience stores, or other private enterprises that are of benefit to the traveling public at park and ride lots owned by the department or local transit agency.

(2) The department or local transit agency must take all necessary action to ensure the most favorable lease rates for the state or local transit agency, whether by bid or other reasonable manner, and to require the lessee to enter into any other contract or agreement to protect the state and its citizens or the local transit agency from commercial harm or other type of harm. Any lease entered into under this section must ensure that the lease payments are at fair market value and comparable to market rates in the area of the park and ride lot. Lease payments must first be applied towards maintenance and operations of the applicable park and ride lot and the remainder must be deposited into the multimodal transportation account created under RCW 47.66.070.

(3) The department must adopt and enforce such reasonable rules that are consistent with and necessary to carry out this section, including a flexible process to prioritize local business interests when entering into lease agreements. [2011 c 378 s 1.]

RCW 47.04.300 Safe routes to school program. Concurrent with the federal safe, accountable, flexible, efficient transportation equity act of 2005, a safe routes to school program is established within the department. The purpose of the program is to:

- (1) Enable and encourage children, including those with disabilities, to walk and bicycle to school;
- (2) Make bicycling and walking to school a safer and more appealing transportation alternative, encouraging a healthy and active lifestyle from an early age; and
- (3) Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. [2009 c 392 s 1.]

RCW 47.04.310 Rental car company fees—Child restraint system availability. (1) A rental car company may include separately stated surcharges, fees, or charges in a rental agreement, which may include, but may not be in any way limited to, vehicle license cost recovery fees, child restraint system rental fees, airport-related recovery fees, all applicable taxes, and government surcharges.

(2) If a rental car company includes a vehicle license cost recovery fee as a separately stated charge in a rental transaction, the amount of the fee must represent the rental car company's good faith estimate of the rental car company's average daily charge as calculated by the rental car company to recover its actual total annual rental car titling, registration, plating, and inspection costs in the state of Washington.

(3) If the total amount of the vehicle license cost recovery fees collected by a rental car company under this section in any calendar year exceeds the rental car company's actual costs in the state of Washington to license, title, register, and plate rental cars and to have such rental cars inspected for that calendar year, the rental car company shall do both of the following:

- (a) Retain the excess amount; and
- (b) Adjust the estimated average per vehicle titling, licensing, plating, inspecting, and registration charge for the following calendar year by a corresponding amount.

(4) Nothing in this section prevents a rental car company from making adjustments to the vehicle license cost recovery fee during the calendar year.

(5) The following definitions apply to this section unless the context clearly requires otherwise:

(a) "Child restraint system rental fee" means a charge that may be separately stated and charged on the rental contract in a car rental transaction originating in Washington state to recover the costs associated with providing child restraint systems;

(b) "Rental car" has the same meaning as defined in RCW 48.115.005;

(c) "Rental car company" has the same meaning as defined in RCW 48.115.005; and

(d) "Vehicle license cost recovery fee" means a charge that may be separately stated and charged on the rental contract for a rental car transaction originating in Washington state to recover costs incurred in the state of Washington by a rental car company to license, title, register, plate, and inspect rental cars.

(6) (a) If a rental car company includes a child restraint system rental fee as a separately stated charge in a rental transaction, the amount of the fee must represent no more than the rental car company's good faith estimate of the rental car company's costs to provide a child restraint system.

(b) If a rental car customer pays a child restraint system rental fee and the child restraint system is not available in a timely manner, as determined by the rental car customer, but in no case less than one hour after the arrival of the customer at the location where the customer receives the vehicle or vehicles, (i) the customer may cancel any reservation or other agreement for the rental of the vehicle or vehicles, (ii) any costs or penalties associated with the cancellation are void, and (iii) the customer is entitled to a full refund of any costs associated with the rental of the vehicle or vehicles. [2016 c 18 s 1. Prior: 2009 c 346 s 2.]

Finding—Intent—2009 c 346: "The legislature finds that there are car rental agreements entered into between car rental companies and their customers that include fees in addition to the rental rate and taxes. It is the intent of the legislature that such fees be clearly and separately stated in such agreements." [2009 c 346 s 1.]

RCW 47.04.320 Complete streets grant program—Purpose—Goals—Awards—Report. (1) The transportation improvement board shall establish a complete streets grant program within the department's highways and local programs division, or its successor. During program development, the board shall include, at a minimum, the department of archaeology and historic preservation, local governments, and other organizations or groups that are interested in the complete streets grant program. The purpose of the grant program is to encourage local governments to adopt urban arterial retrofit street ordinances designed to provide safe access to all users, including bicyclists, pedestrians, motorists, and public transportation users, with the goals of:

(a) Promoting healthy communities by encouraging walking, bicycling, and using public transportation;

(b) Improving safety by designing major arterials to include features such as wider sidewalks, dedicated bicycle facilities, medians, and pedestrian streetscape features, including trees where appropriate;

(c) Protecting the environment and reducing congestion by providing safe alternatives to single-occupancy driving; and

(d) Preserving community character by involving local citizens and stakeholders to participate in planning and design decisions.

(2) For purposes of this section:

(a) "Eligible project" means (i) a local government street or road retrofit project that includes the addition of, or significant repair to, facilities that provide street access with all users in mind, including pedestrians, bicyclists, and public transportation users; or (ii) a retrofit project on city streets or county roads that are part of a state highway that include the addition of, or significant repair to, facilities that provide access with all users in mind, including pedestrians, bicyclists, and public transportation users.

(b) "Local government" means incorporated cities and towns and counties that have adopted a jurisdiction-wide complete streets ordinance that plans for the needs of all users and is consistent with sound engineering principles.

(c) "Sound engineering principles" means peer-reviewed, context sensitive solutions guides, reports, and publications, consistent with the purposes of this section.

(3) In carrying out the purposes of this section, the transportation improvement board may award funding, subject to the availability of amounts appropriated for this specific purpose, only to eligible projects that are designed consistent with sound engineering principles.

(4) The transportation improvement board must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section. [2015 3rd sp.s. c 44 s 401; 2011 c 257 s 2.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Intent—2011 c 257: "Urban main streets should be designed to provide safe access to all users, including bicyclists, pedestrians, motorists, and public transportation users. Context sensitive design and engineering principles allow for flexible solutions depending on a community's needs, and result in many positive outcomes for cities and towns, including improving the health and safety of a community. It is the intent of the legislature to encourage street designs that safely meet the needs of all users and also protect and preserve a community's environment and character." [2011 c 257 s 1.]

RCW 47.04.325 Complete streets grant program—Account—Solicitation and receipt of gifts. (1) The complete streets grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Only the transportation improvement board may authorize expenditures from the account. The board may use complete streets grant program funds for city streets, county roads, and city streets and county roads that are part of a state highway. Expenditures from the account may be used solely for the grants provided under RCW 47.04.320.

(2) The transportation improvement board may solicit and receive gifts, grants, or endowments from private and other sources that are made, in trust or otherwise, for the use and benefit of the purposes of the complete streets grant program as provided in RCW 47.04.320. [2015 3rd sp.s. c 44 s 402; 2011 c 257 s 3.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Intent—2011 c 257: See note following RCW 47.04.320.

RCW 47.04.330 Street projects—Consultation with local jurisdictions—Context sensitive design solutions. When constructing, reconstructing, or making major improvements to streets described in

RCW 47.24.010, the department must, for street projects initially planned or scoped after July 1, 2011:

(1) Consult with local jurisdictions in the design and planning phases. Consultation with local jurisdictions must include public outreach and meetings with interested stakeholders in the predesign phase for the purpose of clarifying community goals and priorities through community design exercises prior to developing any designs or visualizations; and

(2) Consider the needs of all users by applying context sensitive design solutions consistent with peer-reviewed, context sensitive solutions guides, reports, and publications, consistent with the purposes of this section. [2011 c 257 s 4.]

Intent—2011 c 257: See note following RCW 47.04.320.

RCW 47.04.340 Accommodation of private transportation vehicle use of high occupancy vehicle lanes in highway design. When designing portions of a highway that are intended to be used as portions reserved for the exclusive or preferential use of public transportation vehicles, state and local jurisdictions shall consider whether the design will safely accommodate private transportation provider vehicles that may be authorized to use the reserved portions under RCW 46.61.165 and 47.52.025 without interfering with the efficiency, reliability, and safety of public transportation operations. [2011 c 379 s 4.]

Conflict with state and federal environmental mitigation requirements—2011 c 379: See note following RCW 46.61.165.

RCW 47.04.350 Alternative fuel vehicle charging and refueling infrastructure program—Bid proposal requirements, evaluation, financing—Workshops—Rules. (1) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public-private partnership office must develop and maintain a program to support the deployment of clean alternative fuel vehicle charging and refueling infrastructure that is supported by private financing.

(2) The department must define corridors in which bidders may propose to install electric vehicle charging infrastructure or hydrogen fueling stations, and may update these corridors over time as needed. Alternatively, a bidder may propose a corridor in which the bidder proposes to install electric vehicle infrastructure or hydrogen fueling stations if the department has adopted rules allowing such a proposal and establishing guidelines for how such a proposal will be considered.

(3) (a) For bid proposals under this section, the department must require the following:

(i) Bidders must have private sector partners contributing to the project who stand to gain indirect value from development of the project, such as motor vehicle manufacturers, retail stores, or tourism stakeholders;

(ii) Bidders must demonstrate that the proposed project will be valuable to clean alternative fuel vehicle drivers and will address an existing gap in the state's low carbon transportation infrastructure;

(iii) Projects must be expected to be profitable and sustainable for the owner-operator and the private partner; and

(iv) Bidders must specify how the project captures the indirect value of charging or refueling station deployment to the private partner.

(b) The department may adopt rules that require any other criteria for a successful project.

(4) In evaluating proposals under this section, the department may use the electric vehicle financial analysis tool that was developed in the joint transportation committee's study into financing electric vehicle charging station infrastructure.

(5) (a) After selecting a successful proposer under this section, the department may provide a loan or grant to the proposer.

(b) Grants and loans issued under this subsection must be funded from the electric vehicle account created in RCW 82.44.200.

(c) Any project selected for support under this section is eligible for only one grant or loan as a part of the program.

(6) The department may conduct preliminary workshops with potential bidders and other potential private sector partners to determine the best method of designing and maintaining the program, discuss how to develop and maintain the partnerships among the private sector partners that may receive indirect value, and any other issues relating to the implementation and administration of this section. The department should consider regional workshops to engage potential business partners from across the state.

(7) The department must adopt rules to implement and administer this section. [2019 c 287 s 3; 2015 3rd sp.s. c 44 s 403.]

Effective date—2019 c 287: See note following RCW 82.29A.125.

Findings—Intent—2019 c 287: See note following RCW 28B.30.903.

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

RCW 47.04.355 Clean alternative fuel car sharing pilot program.

(1) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public-private partnership office must develop a pilot program to support clean alternative fuel car sharing programs to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Nonprofit organizations or local governments, including housing authorities, with a demonstrated history of managing or implementing low-income transportation clean alternative fuel and shared mobility pilot programs are eligible to participate in this program.

(2) The department must determine specific eligibility criteria, based on the requirements of this section, the report submitted to the legislature by the Puget Sound clean air agency entitled facilitating low-income utilization of electric vehicles, and other factors relevant to increasing clean alternative fuel vehicle use in underserved and low to moderate income communities. The department may adopt rules specifying the eligibility criteria it selects.

(3) The department may conduct preliminary workshops with potential bidders and other potential partners to determine the best method of designing the pilot program.

(4) The department must include the following elements in its proposal evaluation and scoring methodology: History of successful management of equity focused clean alternative fuel vehicle projects; substantial level of involvement from community-based, equity focused organizations in the project; plan for long-term financial sustainability of the work beyond the duration of the grant period; matching resources leveraged for the project; and geographical diversity of the projects selected.

(5) After selecting successful proposals under this section, the department may provide grant funding to them. The total grant amount available per project may range from fifty thousand to two hundred thousand dollars. The grant opportunity must include possible funding of vehicles, charging or refueling station infrastructure, staff time, and any other expenses required to implement the project. No more than ten percent of grant funds may be used for administrative expenses.

(6) (a) Any property acquired with state grant funding under this section by nongovernmental participants must be used solely for program purposes and, if sold, the proceeds of the sale must be used solely for program purposes.

(b) At the termination of a program for providing alternative fuel car sharing services, the state must be reimbursed for any property acquired with state grant funding under this section that nongovernmental participants in the program retain at the time of program termination. The amount of reimbursement may under no circumstances be less than the fair market value of the property at the time of the termination of the program. [2019 c 287 s 16.]

Electric vehicle battery and fuel cell adoption study—Lower income residents—2019 c 287: "(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must conduct a study to identify opportunities to reduce barriers to battery and fuel cell electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. The study must include an assessment of opportunities to work with nonprofit lenders to facilitate vehicle purchases through the use of loan-loss reserves and rate buy downs by qualified borrowers purchasing battery and fuel cell electric vehicles that are eligible for the tax exemptions under RCW 82.08.9999 and 82.12.9999, and may address additional financing assistance opportunities identified. The study must focus on potential borrowers who are at or below eighty percent of the state median household income. The study may also address any additional opportunities identified to increase electric vehicle adoption by lower income residents of the state.

(2) The department of commerce must provide a report detailing the findings of this study to the transportation committees of the legislature by June 30, 2020, and may contract with a consultant on all or a portion of the study." [2019 c 287 s 17.]

Effective date—2019 c 287: See note following RCW 82.29A.125.

Findings—Intent—2019 c 287: See note following RCW 28B.30.903.

RCW 47.04.360 Commercial advertising on websites and social media. (1) The department is authorized to sell commercial advertising, including product placement, on department websites and social media. In addition, the department is authorized to sell a version of its mobile application(s) to users who desire to have access to application(s) without advertising. The authority granted in this section does not affect the department's advertising authority provided in RCW 47.60.140.

(2) The department shall deposit all moneys received from the sale of advertisements on website and mobile applications as authorized in this section into the motor vehicle fund created in RCW 46.68.070.

(3) The department shall adopt standards for advertising, product placement, and other forms of commercial recognition that require the department to define and prohibit, at minimum, the content containing any of the following characteristics, which is not permitted:

(a) Obscene, indecent, or discriminatory content;

(b) Political or public issue advocacy content;

(c) Products, services, or other materials that are offensive, insulting, disparaging, or degrading; or

(d) Products, services, or messages that are contrary to the public interest, including any advertisement that encourages or depicts unsafe behaviors or encourages unsafe or prohibited driving activities. Alcohol, tobacco, and cannabis are included among the products prohibited. [2017 c 157 s 1.]

Effective date—2017 c 157: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017." [2017 c 157 s 2.]

RCW 47.04.370 Purple heart state—Signage—Account. (1) The department is authorized to erect signs as part of the transportation system recognizing that Washington state is a purple heart state as designated in RCW 1.20.190, especially at entry points to the state. The department is authorized to accept gifts or donations to assist efforts related to Washington state being a purple heart state.

(2) The department of transportation purple heart state account is created in the custody of the state treasurer. All receipts from gifts and donations received pursuant to this section must be deposited into the account. Expenditures from the account may only be used to erect signs or other activities that assist efforts related to Washington state being a purple heart state, as authorized under this section. Only the secretary of the department of transportation or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2021 c 213 s 5.]

Findings—2021 c 213: See note following RCW 1.20.190.

RCW 47.04.380 Sandy Williams connecting communities program. (1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active

transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, and to honor the legacy of community advocacy of Sandy Williams, the Sandy Williams connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the Sandy Williams connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects. [2024 c 106 s 1; 2023 c 431 s 6; 2022 c 182 s 417.]

Intent—2023 c 431: See note following RCW 46.17.015.

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.390 Statewide school-based bicycle education grant program. (1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2) (a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment including, but

not limited to, bicycles, helmets, locks, and lights, guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs. [2023 c 431 s 7; 2022 c 182 s 419.]

Intent—2023 c 431: See note following RCW 46.17.015.

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.400 Amtrak fare policy change request—Report. For the purposes of submitting a request by October 1, 2022, to Amtrak to adopt a fare policy change, the department shall negotiate with the Oregon department of transportation to determine ridership, revenue, and policy impacts relating to elimination of fares for Amtrak Cascades passengers 18 years of age and younger. It is the intent of the legislature that fares for passengers 18 years of age and younger for service on the Amtrak Cascades corridor be eliminated. The department shall report back to the transportation committees of the legislature with results of negotiations with the Oregon department of transportation and the status of fare policy requests submitted to Amtrak by December 1, 2022. [2022 c 182 s 420.]

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.410 Reducing rural roadway departures program. (1) (a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or

death. The program must use data driven methods to determine potential projects, and associated ranking methods for prioritization of funding consistent with chapter 47.05 RCW. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements based on the prioritization process established under (a) of this subsection. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the new infrastructure is installed and evaluate the effectiveness of the safety improvements. [2022 c 182 s 433.]

Target zero program—2022 c 182: "Washington state's target zero program envisions Washington having policies that will lead to zero deaths of people using the transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway

system that have been proven in other locations to help reduce lane departures and fatalities. RCW 47.04.410 and 46.68.060 are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a program that is focused on addressing this specific safety concern." [2022 c 182 s 432.]

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.420 Railroad crossing grant program. A railroad crossing grant program is hereby created in the department, local programs division. The department shall develop a prioritization process to make awards for cities and counties with projects that eliminate at grade highway-rail crossings, improving safety and expediting the movement of vehicles. Awards must be made for matching funds to federal grants. [2022 c 182 s 437. Formerly RCW 47.06A.090.]

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

RCW 47.04.430 Bicyclist and pedestrian grant program. (1) The department shall create a bicyclist and pedestrian grant program to improve pedestrian and bicyclist safety and mobility and increase active transportation trips.

(2) Project types may include, but are not limited to, bicycle facilities such as buffered bike lanes, pedestrian facilities such as sidewalks, crossing improvements for people who walk and roll, and speed management.

(3) The department shall report on an annual basis the status of projects funded as part of the bicyclist and pedestrian grant and safe routes to school grant programs. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. [2023 c 447 s 5.]