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SENATE BILL 5086

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Haugen, Swecker and Murray

Read first time 01/10/2007. Referred to Committee on Transportation.

1            AN ACT Relating to increasing the population threshold for state  
2 highway maintenance responsibility in cities and towns; and amending  
3 RCW 47.24.020.

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

5            **Sec. 1.** RCW 47.24.020 and 2001 c 201 s 8 are each amended to read  
6 as follows:

7            The jurisdiction, control, and duty of the state and city or town  
8 with respect to such streets is as follows:

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

13            (2) The city or town shall exercise full responsibility for and  
14 control over any such street beyond the curbs and if no curb is  
15 installed, beyond that portion of the highway used for highway  
16 purposes. However, within incorporated cities and towns the title to  
17 a state limited access highway vests in the state, and, notwithstanding  
18 any other provision of this section, the department shall exercise full

1 jurisdiction, responsibility, and control to and over such facility as  
2 provided in chapter 47.52 RCW;

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

7 (4) The city or town shall at its own expense maintain all  
8 underground facilities in such streets, and has the right to construct  
9 such additional underground facilities as may be necessary in such  
10 streets. However, pavement trenching and restoration performed as part  
11 of installation of such facilities must meet or exceed requirements  
12 established by the department;

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

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

1 such installation, maintenance, and operation incurred after November  
2 1, 1954;

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

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

19 (9) Every franchise or permit granted any person by a city or town  
20 for use of any portion of such street by a public utility must require  
21 the grantee or permittee to restore, repair, and replace any portion of  
22 the street damaged or injured by it to conditions that meet or exceed  
23 requirements established by the department;

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

28 (11) Cities and towns shall regulate and enforce all traffic and  
29 parking restrictions on such streets, but all regulations adopted by a  
30 city or town relating to speed, parking, and traffic control devices on  
31 such streets not identical to state law relating thereto are subject to  
32 the approval of the department before becoming effective. All  
33 regulations pertaining to speed, parking, and traffic control devices  
34 relating to such streets heretofore adopted by a city or town not  
35 identical with state laws shall become null and void unless approved by  
36 the department heretofore or within one year after March 21, 1963;

37 (12) The department shall erect, control, and maintain at state

1 expense all route markers and directional signs, except street signs,  
2 on such streets;

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

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

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

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

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

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