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SENATE BILL 5744

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen

Read first time 02/11/93. Referred to Committee on Transportation.

1            AN ACT Relating to streets that are part of the state highway  
2 system; and amending RCW 47.24.020.

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

4            **Sec. 1.** RCW 47.24.020 and 1991 c 342 s 52 are each amended to read  
5 as follows:

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

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

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

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

5 (4) The city or town shall at its own expense maintain all  
6 underground facilities in such streets, and has the right to construct  
7 such additional underground facilities as may be necessary in such  
8 streets;

9 (5) The city or town has the right to grant the privilege to open  
10 the surface of any such street, but all damage occasioned thereby shall  
11 promptly be repaired either by the city or town itself or at its  
12 direction;

13 (6) The city or town at its own expense shall provide street  
14 illumination and shall clean all such streets, including storm sewer  
15 inlets and catch basins, and remove all snow, except that the state  
16 shall when necessary plow the snow on the roadway. In cities and towns  
17 having a population of ~~((fifteen))~~ twenty-five thousand or less  
18 according to the latest determination of population by the office of  
19 financial management, the state, when necessary for public safety,  
20 shall assume, at its expense, responsibility for the stability of the  
21 slopes of cuts and fills and the embankments within the right of way to  
22 protect the roadway itself. When the population of a city or town  
23 ~~((reaches fifteen))~~ first exceeds twenty-five thousand ~~((after January~~  
24 ~~1, 1990, the state shall retain the responsibility for the stability of~~  
25 ~~slopes of cuts and fills and the embankments within the right of way to~~  
26 ~~protect the road itself until the legislature acts upon the findings of~~  
27 ~~the task force created in section 53, chapter 342, Laws of 1991, or~~  
28 ~~until June 30, 1993, whichever occurs first))~~ according to the  
29 determination of population by the office of financial management, the  
30 city or town shall have three years from the date of the determination  
31 to plan for additional staffing, budgetary, and equipment requirements  
32 before being required to assume the responsibilities under this  
33 subsection. The state shall install, maintain, and operate all  
34 illuminating facilities on any limited access facility, together with  
35 its interchanges, located within the corporate limits of any city or  
36 town, and shall assume and pay the costs of all such installation,  
37 maintenance, and operation incurred after November 1, 1954;

38 (7) The department has the right to use all storm sewers on such  
39 highways without cost; and if new storm sewer facilities are necessary

1 in construction of new streets by the department, the cost of the  
2 facilities shall be borne by the state and/or city as may be mutually  
3 agreed upon between the department and the governing body of the city  
4 or town;

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

15 (9) Every franchise or permit granted any person by a city or town  
16 for use of any portion of such street by a public utility shall require  
17 the grantee or permittee to restore, repair, and replace to its  
18 original condition any portion of the street damaged or injured by it;

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

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

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

35 (13) The department shall install, operate, maintain, and control  
36 at state expense all traffic control signals, signs, and traffic  
37 control devices for the purpose of regulating both pedestrian and motor  
38 vehicular traffic on, entering upon, or leaving state highways in  
39 cities and towns having a population of (~~fifteen~~) twenty-five

1 thousand or less according to the latest determination of population by  
2 the office of financial management. Such cities and towns may submit  
3 to the department a plan for traffic control signals, signs, and  
4 traffic control devices desired by them, indicating the location,  
5 nature of installation, or type thereof, or a proposed amendment to  
6 such an existing plan or installation, and the department shall consult  
7 with the cities or towns concerning the plan before installing such  
8 signals, signs, or devices. Cities and towns having a population in  
9 excess of (~~fifteen~~) twenty-five thousand according to the latest  
10 determination of population by the office of financial management shall  
11 install, maintain, operate, and control such signals, signs, and  
12 devices at their own expense, subject to approval of the department for  
13 the installation and type only. When the population of a city or town  
14 (~~reaches fifteen~~) first exceeds twenty-five thousand (~~after January~~  
15 ~~1, 1990, the state shall retain the responsibility for installing,~~  
16 ~~operating, maintaining, and controlling such signals, signs, and~~  
17 ~~devices until the legislature acts upon the findings of the task force~~  
18 ~~created in section 53, chapter 342, Laws of 1991, or until June 30,~~  
19 ~~1993, whichever occurs first~~) according to the determination of  
20 population by the office of financial management, the city or town  
21 shall have three years from the date of the determination to plan for  
22 additional staffing, budgetary, and equipment requirements before being  
23 required to assume the responsibilities under this subsection. For the  
24 purpose of this subsection, striping, lane marking, and channelization  
25 are considered traffic control devices;

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

28 (15) Rights of way for such streets shall be acquired by either the  
29 city or town or by the state as shall be mutually agreed upon. Costs  
30 of acquiring rights of way may be at the sole expense of the state or  
31 at the expense of the city or town or at the expense of the state and  
32 the city or town as may be mutually agreed upon. Title to all such  
33 rights of way so acquired shall vest in the city or town: PROVIDED,  
34 That no vacation, sale, rental, or any other nontransportation use of  
35 any unused portion of any such street may be made by the city or town  
36 without the prior written approval of the department; and all revenue  
37 derived from sale, vacation, rental, or any nontransportation use of  
38 such rights of way shall be shared by the city or town and the state in  
39 the same proportion as the purchase costs were shared;

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

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