

FINAL BILL REPORT

SB 5959

PARTIAL VETO

C 188 L 03

Synopsis as Enacted

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

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

Senate Committee on Technology & Communications

House Committee on Technology, Telecommunications & Energy

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

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

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

Summary: The Department of Transportation must authorize a type of approach to partially controlled limited access highways for the placement of wireless telecommunications facilities. The approach must be by annual permit and the department must set the cost of the permit in rule. The permit may be assigned to contractors and subcontractors and is transferable to a new owner if the permit holder is sold or merged.

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

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

Votes on Final Passage:

Senate	47	0	
House	86	0	(House amended)
Senate	46	1	(Senate concurred)

Effective: July 27, 2003

Partial Veto Summary: The intent section is removed.