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HOUSE BILL 1868

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Anderson, Ferguson, Cantwell, G. Fisher, Pruitt, Wineberry, Phillips and Hine.

Read first time February 13, 1991. Referred to Committee on State Government.

1            AN ACT Relating to transportation; amending RCW 43.17.020,  
2 47.01.041, 47.01.051, 47.01.061, 47.01.071, 36.57A.070, 36.79.010,  
3 36.79.120, 36.79.130, 46.44.080, 46.44.090, 46.44.092, 46.44.095,  
4 46.61.450, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035,  
5 47.05.040, 47.05.051, 47.05.070, 47.10.790, 47.10.791, 47.10.802,  
6 47.12.200, 47.12.220, 47.24.010, 47.24.020, 47.26.400, 47.26.420,  
7 47.26.440, 47.28.010, 47.28.170, 47.42.040, 47.42.045, 47.52.133,  
8 47.52.145, 47.52.210, 47.56.030, 47.56.032, 47.56.070, 47.56.080,  
9 47.56.110, 47.56.120, 47.56.240, 47.56.250, 47.56.380, 47.56.741,  
10 47.56.742, 47.56.743, 47.56.745, 47.58.030, 47.60.150, 47.60.326,  
11 47.60.330, 47.60.440, 47.60.450, 47.64.011, 47.64.170, 47.64.180, and  
12 48.62.070; reenacting and amending RCW 47.01.101 and 47.10.801; and  
13 creating a new section.

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

1       **Sec. 1.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each  
2 amended to read as follows:

3       There shall be a chief executive officer of each department to be  
4 known as: (1) The secretary of social and health services, (2) the  
5 director of ecology, (3) the director of labor and industries, (4) the  
6 director of agriculture, (5) the director of fisheries, (6) the  
7 director of wildlife, (7) the secretary of transportation, (8) the  
8 director of licensing, (9) the director of general administration, (10)  
9 the director of trade and economic development, (11) the director of  
10 veterans affairs, (12) the director of revenue, (13) the director of  
11 retirement systems, (14) the secretary of corrections, (15) the  
12 director of community development, and (16) the secretary of health.

13       Such officers(~~(, except the secretary of transportation,)~~) shall be  
14 appointed by the governor, with the consent of the senate, and hold  
15 office at the pleasure of the governor. The director of wildlife,  
16 however, shall be appointed according to the provisions of RCW  
17 77.04.080. If a vacancy occurs while the senate is not in session, the  
18 governor shall make a temporary appointment until the next meeting of  
19 the senate. A temporary director of wildlife shall not serve more than  
20 one year. (~~(The secretary of transportation shall be appointed by the~~  
21 ~~transportation commission as prescribed by RCW 47.01.041.)~~)

22       **Sec. 2.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each  
23 amended to read as follows:

24       The executive head of the department of transportation shall be the  
25 secretary of transportation, who shall be appointed by the  
26 (~~(transportation commission)~~) governor with the consent of the senate,  
27 and shall be paid a salary to be fixed by the governor in accordance  
28 with the provisions of RCW 43.03.040. The secretary shall hold office  
29 at the pleasure of the governor.

1       The secretary shall be an ex officio member of the commission  
2 without a vote. The secretary shall be the chief executive officer of  
3 the commission (~~and be responsible to it, and shall be guided by~~  
4 ~~policies established by it. The secretary shall serve until removed by~~  
5 ~~the commission, but only for incapacity, incompetence, neglect of duty,~~  
6 ~~malfeasance in office, or failure to carry out the commission's~~  
7 ~~policies. Before a motion for dismissal shall be acted on by the~~  
8 ~~commission, the secretary shall be granted a hearing on formal written~~  
9 ~~charges before the full commission. An action by the commission to~~  
10 ~~remove the secretary shall be final~~)).

11       **Sec. 3.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to  
12 read as follows:

13       There is hereby created a transportation commission, which shall  
14 consist of seven members appointed by the governor(~~, with the consent~~  
15 ~~of the senate. The present five members of the highway commission~~  
16 ~~shall serve as five initial members of the transportation commission~~  
17 ~~until their terms of office as highway commission members would have~~  
18 ~~expired. The additional two members provided herein for the~~  
19 ~~transportation commission shall be appointed for initial terms to~~  
20 ~~expire on June 30, 1982, and June 30, 1983. Thereafter~~)). All terms  
21 shall be for six years. No elective state official or state officer or  
22 state employee shall be a member of the commission, and not more than  
23 four members of the commission shall at the time of appointment or  
24 thereafter during their respective terms of office be members of the  
25 same major political party. At the time of appointment or thereafter  
26 during their respective terms of office, four members of the commission  
27 shall reside in the western part of the state and three members shall  
28 reside in the eastern part of the state as divided north and south by  
29 the summit of the Cascade mountains. No more than two members of the

1 commission shall reside in the same county. Commissioners shall not be  
2 removed from office by the governor before the expiration of their  
3 terms unless for a disqualifying change of residence or for cause based  
4 upon a determination of incapacity, incompetence, neglect of duty, or  
5 malfeasance in office by the superior court of the state of Washington  
6 in and for Thurston county upon petition and show cause proceedings  
7 duly brought therefor in said court and directed to the commissioner in  
8 question. No member shall be appointed for more than two consecutive  
9 terms.

10 **Sec. 4.** RCW 47.01.061 and 1987 c 364 s 2 are each amended to read  
11 as follows:

12 The commission shall serve in an advisory capacity to the secretary  
13 and the department.

14 The commission shall meet at such times as it deems advisable but  
15 at least once every month. It may adopt its own rules and regulations  
16 and may establish its own procedure. It shall act collectively in  
17 harmony with recorded resolutions or motions adopted by majority vote  
18 of at least four members. The commission may appoint an administrative  
19 secretary, and shall elect one of its members chairman for a term of  
20 one year. The chairman shall be able to vote on all matters before the  
21 commission. ~~((The commission may from time to time retain planners,~~  
22 ~~consultants, and other technical personnel to advise it in the~~  
23 ~~performance of its duties.~~

24 ~~The commission shall submit to each regular session of the~~  
25 ~~legislature held in an odd numbered year its own budget proposal~~  
26 ~~necessary for the commission's operations separate from that proposed~~  
27 ~~for the department.))~~

28 Each member of the commission ~~((shall be compensated in accordance~~  
29 ~~with RCW 43.03.250 and))~~ shall be reimbursed for actual necessary

1 traveling and other expenses in going to, attending, and returning from  
2 meetings of the commission, and actual and necessary traveling and  
3 other expenses incurred in the discharge of such duties as may be  
4 requested by ~~((a majority vote of the commission or by))~~ the secretary  
5 of transportation~~((, but in no event shall a commissioner be  
6 compensated in any year for more than one hundred twenty days, except  
7 the chairman of the commission who may be paid compensation for not  
8 more than one hundred fifty days))~~. Service on the commission shall  
9 not be considered as service credit for the purposes of any public  
10 retirement system.

11 **Sec. 5.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read  
12 as follows:

13 The ~~((transportation commission))~~ secretary shall have the  
14 following functions, powers, and duties:

15 (1) To propose policies to be adopted by the legislature designed  
16 to assure the development and maintenance of a comprehensive and  
17 balanced state-wide transportation system which will meet the needs of  
18 the people of this state for safe and efficient transportation  
19 services. Wherever appropriate the policies shall provide for the use  
20 of integrated, intermodal transportation systems to implement the  
21 social, economic, and environmental policies, goals, and objectives of  
22 the people of the state, and especially to conserve nonrenewable  
23 natural resources including land and energy. To this end the  
24 ~~((commission))~~ secretary shall:

25 (a) Develop transportation policies which are based on the  
26 policies, goals, and objectives expressed and inherent in existing  
27 state laws;

28 (b) Inventory the adopted policies, goals, and objectives of the  
29 local and area-wide governmental bodies of the state and define the

1 role of the state, regional, and local governments in determining  
2 transportation policies, in transportation planning, and in  
3 implementing the state transportation plan;

4 ~~(c) ((Propose a transportation policy for the state, and after  
5 notice and public hearings, submit the proposal to the legislative  
6 transportation committee and the senate and house transportation  
7 committees by January 1, 1978, for consideration in the next  
8 legislative session;~~

9 (d)) Establish a procedure for review and revision of the state  
10 transportation policy and for submission of proposed changes to the  
11 legislature;

12 ~~((e) To)) (d) Integrate the state-wide transportation plan with  
13 the needs of the elderly and handicapped, and ((to)) coordinate federal  
14 and state programs directed at assisting local governments to answer  
15 such needs;~~

16 (2) To establish the policy of the department ~~((to be followed by  
17 the secretary))~~ on each of the following items:

18 (a) To provide for the effective coordination of state  
19 transportation planning with national transportation policy, state and  
20 local land use policies, and local and regional transportation plans  
21 and programs;

22 (b) To provide for public involvement in transportation designed to  
23 elicit the public's views both with respect to adequate transportation  
24 services and appropriate means of minimizing adverse social, economic,  
25 environmental, and energy impact of transportation programs;

26 (c) To provide for the administration of grants in aid and other  
27 financial assistance to counties and municipal corporations for  
28 transportation purposes;

1 (d) To provide for the management, sale, and lease of property or  
2 property rights owned by the department which are not required for  
3 transportation purposes;

4 (3) To ~~((direct the secretary to))~~ prepare ~~((and submit to the~~  
5 ~~commission))~~ a comprehensive and balanced state-wide transportation  
6 plan which shall be based on the transportation policy adopted by the  
7 legislature and applicable state and federal laws. After public notice  
8 and hearings, the ~~((commission))~~ secretary shall adopt the plan and  
9 submit it to the legislative transportation committee and to the house  
10 and senate standing committees on transportation before January 1,  
11 ~~((1980))~~ 1992, for consideration in the ~~((1980))~~ 1992 regular  
12 legislative session. The plan shall be reviewed and revised prior to  
13 each regular session of the legislature during an even-numbered year  
14 thereafter. ~~((A preliminary plan shall be submitted to such committees~~  
15 ~~by January 1, 1979.))~~

16 The plan shall take into account federal law and regulations  
17 relating to the planning, construction, and operation of transportation  
18 facilities;

19 (4) To propose to the governor and the legislature prior to the  
20 convening of each regular session held in an odd-numbered year a  
21 recommended budget for the operations of the commission as required by  
22 RCW 47.01.061;

23 (5) To approve and propose to the governor and to the legislature  
24 prior to the convening of each regular session during an odd-numbered  
25 year a recommended budget for the operation of the department and for  
26 carrying out the program of the department for the ensuing biennium.  
27 The proposed budget shall separately state the appropriations to be  
28 made from the motor vehicle fund for highway purposes in accordance  
29 with constitutional limitations and appropriations and expenditures to

1 be made from the general fund, or accounts thereof, and other available  
2 sources for other operations and programs of the department;

3 (6) To review and authorize all departmental requests for  
4 legislation;

5 (7) To approve the issuance and sale of all bonds authorized by the  
6 legislature for capital construction of state highways, toll  
7 facilities, Columbia Basin county roads (for which reimbursement to the  
8 motor vehicle fund has been provided), urban arterial projects, and  
9 aviation facilities;

10 (8) To adopt such rules(~~(, regulations,)~~) and policy directives as  
11 may be necessary to carry out reasonably and properly those functions  
12 expressly vested in the (~~commission~~) secretary by statute;

13 (9) To delegate any of its powers to the secretary of  
14 transportation whenever it deems it desirable for the efficient  
15 administration of the department and consistent with the purposes of  
16 this title;

17 (10) To exercise such other specific powers and duties as may be  
18 vested in the (~~transportation commission~~) secretary by this or any  
19 other provision of law.

20 **Sec. 6.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are  
21 each reenacted and amended to read as follows:

22 The secretary shall have the authority and it shall be his or her  
23 duty(~~(, subject to policy guidance from the commission)~~):

24 (1) To serve as chief executive officer of the department with full  
25 administrative authority to direct all its activities;

26 (2) To organize the department as he or she may deem necessary to  
27 carry out the work and responsibilities of the department effectively;

28 (3) To designate and establish such transportation district or  
29 branch offices as may be necessary or convenient, and to appoint

1 assistants and delegate any powers, duties, and functions to them or  
2 any officer or employee of the department as deemed necessary to  
3 administer the department efficiently;

4 (4) To direct and coordinate the programs of the various divisions  
5 of the department to assure that they achieve the greatest possible  
6 mutual benefit, produce a balanced overall effort, and eliminate  
7 unnecessary duplication of activity;

8 (5) To adopt all department rules that are subject to the adoption  
9 procedures contained in the state administrative procedure act(~~(~~  
10 ~~except rules subject to adoption by the commission pursuant to~~  
11 ~~statute))~~);

12 (6) To maintain and safeguard the official records of the  
13 department(~~(~~~~,~~ ~~including the commission's recorded resolutions and~~  
14 ~~orders))~~);

15 (7) To provide full staff support to the commission to assist it in  
16 carrying out its functions(~~(~~~~,~~ ~~powers, and duties and to execute the~~  
17 ~~policy established by the commission pursuant to its legislative~~  
18 ~~authority))~~);

19 (8) To execute and implement the biennial operating budget for the  
20 operation of the department in accordance with chapter 43.88 RCW and  
21 with legislative appropriation and, in such manner as prescribed  
22 therein, to make and report to the commission and the chairs of the  
23 transportation committees of the senate and house of representatives,  
24 including one copy to the staff of each of the committees, deviations  
25 from the planned biennial category A and H highway construction  
26 programs necessary to adjust to unexpected delays or other  
27 unanticipated circumstances(~~(~~~~-)~~); and

28 (9) To exercise all other powers and perform all other duties as  
29 are now or hereafter provided by law.

1       **Sec. 7.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read  
2 as follows:

3       The comprehensive transit plan adopted by the authority shall be  
4 reviewed by the (~~state transportation commission~~) secretary of  
5 transportation to determine:

6       (1) The completeness of service to be offered and the economic  
7 viability of the transit system proposed in such comprehensive transit  
8 plan;

9       (2) Whether such plan integrates the proposed transportation system  
10 with existing transportation modes and systems that serve the benefit  
11 area;

12       (3) Whether such plan coordinates that area's system and service  
13 with nearby public transportation systems;

14       (4) Whether such plan is eligible for matching state or federal  
15 funds;

16       After reviewing the comprehensive transit plan, the (~~state~~  
17 ~~transportation commission~~) secretary of transportation shall have  
18 sixty days in which to approve such plan and to certify to the state  
19 treasurer that such public transportation benefit area shall be  
20 eligible to receive the motor vehicle excise tax proceeds authorized  
21 pursuant to RCW 35.58.273(~~(, as now or hereafter amended)~~) in the  
22 manner prescribed by chapter 82.44 RCW(~~(, as now or hereafter~~  
23 ~~amended)~~). To be approved a plan shall provide for coordinated  
24 transportation planning, the integration of such proposed  
25 transportation program with other transportation systems operating in  
26 areas adjacent to, or in the vicinity of the proposed public  
27 transportation benefit area, and be consistent with the public  
28 transportation coordination criteria adopted pursuant to the urban mass  
29 transportation act of 1964 as amended as of July 1, 1975. In the event  
30 such comprehensive plan is disapproved and ruled ineligible to receive

1 motor vehicle tax proceeds, the (~~state transportation commission~~)  
2 secretary of transportation shall provide written notice to the  
3 authority within thirty days as to the reasons for such plan's  
4 disapproval and such ineligibility. The authority may resubmit such  
5 plan upon reconsideration and correction of such deficiencies in the  
6 plan cited in such notice of disapproval.

7 **Sec. 8.** RCW 36.79.010 and 1988 c 26 s 1 are each amended read as  
8 follows:

9 The definitions set forth in this section apply throughout this  
10 chapter unless the context clearly requires otherwise.

11 (1) "Rural arterial program" means improvement projects on those  
12 two systems of county roads in rural areas classified as major  
13 collectors and minor collectors in accordance with the federal  
14 functional classification system and the construction of replacement  
15 bridges funded by the federal bridge replacement program on access  
16 roads in rural areas.

17 (2) "Rural area" means every area of the state outside of areas  
18 designated as urban areas by the (~~state transportation commission~~)  
19 secretary of transportation with the approval of the secretary of the  
20 United States department of transportation in accordance with federal  
21 law.

22 (3) "Board" means the county road administration board created by  
23 RCW 36.78.030.

24 **Sec. 9.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read  
25 as follows:

26 Counties receiving funds from the rural arterial trust account for  
27 construction of arterials and the construction of replacement bridges  
28 funded by the federal bridge replacement program on access roads in

1 rural areas shall provide such matching funds as established by rules  
2 recommended by the board, subject to review, revision, and final  
3 approval by the (~~state transportation commission~~) secretary of  
4 transportation. Matching requirements shall be established after  
5 appropriate studies by the board, taking into account financial  
6 resources available to counties to meet arterial needs.

7 **Sec. 10.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each  
8 amended to read as follows:

9 Not later than November 1st of each even-numbered year the board  
10 shall prepare and present to the (~~state transportation commission~~)  
11 secretary of transportation a recommended budget for expenditures from  
12 the rural arterial trust account during the ensuing biennium. The  
13 budget shall contain an estimate of the revenues to be credited to the  
14 rural arterial trust account.

15 The (~~state transportation commission~~) secretary of transportation  
16 shall review the budget as recommended, revise the budget as (~~it~~) the  
17 secretary deems proper, and include the budget as revised as a separate  
18 section of the transportation budget which it shall submit to the  
19 governor pursuant to chapter 43.88 RCW.

20 **Sec. 11.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended  
21 to read as follows:

22 Local authorities with respect to public highways under their  
23 jurisdiction may prohibit the operation thereon of motor trucks or  
24 other vehicles or may impose limits as to the weight thereof, or any  
25 other restrictions as may be deemed necessary, whenever any such public  
26 highway by reason of rain, snow, climatic or other conditions, will be  
27 seriously damaged or destroyed unless the operation of vehicles thereon  
28 be prohibited or restricted or the permissible weights thereof reduced:

1 PROVIDED, That whenever a highway has been closed generally to vehicles  
2 or specified classes of vehicles, local authorities shall by general  
3 rule or by special permit authorize the operation thereon of school  
4 buses, emergency vehicles, and motor trucks transporting perishable  
5 commodities or commodities necessary for the health and welfare of  
6 local residents under such weight and speed restrictions as the local  
7 authorities deem necessary to protect the highway from undue damage:  
8 PROVIDED FURTHER, That the governing authorities of incorporated cities  
9 and towns shall not prohibit the use of any city street designated by  
10 the secretary of transportation (~~commission~~) as forming a part of the  
11 route of any primary state highway through any such incorporated city  
12 or town by vehicles or any class of vehicles or impose any restrictions  
13 or reductions in permissible weights unless such restriction,  
14 limitation, or prohibition, or reduction in permissible weights be  
15 first approved in writing by the department of transportation.

16 The local authorities imposing any such restrictions or  
17 limitations, or prohibiting any use or reducing the permissible weights  
18 shall do so by proper ordinance or resolution and shall erect or cause  
19 to be erected and maintained signs designating the provisions of the  
20 ordinance or resolution in each end of the portion of any public  
21 highway affected thereby, and no such ordinance or resolution shall be  
22 effective unless and until such signs are erected and maintained.

23 The department shall have the same authority as hereinabove granted  
24 to local authorities to prohibit or restrict the operation of vehicles  
25 upon state highways. The department shall give public notice of  
26 closure or restriction. The department may issue special permits for  
27 the operation of school buses and motor trucks transporting perishable  
28 commodities or commodities necessary for the health and welfare of  
29 local residents under specified weight and speed restrictions as may be  
30 necessary to protect any state highway from undue damage.

1       **Sec. 12.** RCW 46.44.090 and 1977 ex.s. c 151 s 30 are each amended  
2 to read as follows:

3       The department of transportation, pursuant to rules adopted by the  
4 secretary of transportation ((~~commission~~)) with respect to state  
5 highways and local authorities with respect to public highways under  
6 their jurisdiction may, upon application in writing and good cause  
7 being shown therefor, issue a special permit in writing authorizing the  
8 applicant to operate or move a vehicle or combination of vehicles of a  
9 size, weight of vehicle, or load exceeding the maximum specified in  
10 this chapter or otherwise not in conformity with the provisions of this  
11 chapter upon any public highway under the jurisdiction of the authority  
12 granting such permit and for the maintenance of which such authority is  
13 responsible.

14       **Sec. 13.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read  
15 as follows:

16       Special permits may not be issued for movements on any state  
17 highway outside the limits of any city or town in excess of the  
18 following widths:

19       On two-lane highways, fourteen feet;

20       On multiple-lane highways where a physical barrier serving as a  
21 median divider separates opposing traffic lanes, twenty feet;

22       On multiple-lane highways without a physical barrier serving as a  
23 median divider, thirty-two feet.

24       These limits apply except under the following conditions:

25       (1) In the case of buildings, the limitations referred to in this  
26 section for movement on any two\_lane state highway other than the  
27 national system of interstate and defense highways may be exceeded  
28 under the following conditions: (a) Controlled vehicular traffic shall  
29 be maintained in one direction at all times; (b) the maximum distance

1 of movement shall not exceed five miles; additional contiguous permits  
2 shall not be issued to exceed the five-mile limit: PROVIDED, That when  
3 the department of transportation, pursuant to general rules adopted by  
4 the secretary of transportation (~~commission~~), determines a hardship  
5 would result, this limitation may be exceeded upon approval of the  
6 department of transportation; (c) prior to issuing a permit a qualified  
7 transportation department employee shall make a visual inspection of  
8 the building and route involved determining that the conditions listed  
9 (~~herein~~) in this section shall be complied with and that structures  
10 or overhead obstructions may be cleared or moved in order to maintain  
11 a constant and uninterrupted movement of the building; (d) special  
12 escort or other precautions may be imposed to assure movement is made  
13 under the safest possible conditions, and the Washington state patrol  
14 shall be advised when and where the movement is to be made;

15 (2) Permits may be issued for widths of vehicles in excess of the  
16 preceding limitations on highways or sections of highways which have  
17 been designed and constructed for width in excess of such limitations;

18 (3) Permits may be issued for vehicles with a total outside width,  
19 including the load, of nine feet or less when the vehicle is equipped  
20 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

21 (4) These limitations may be rescinded when certification is made  
22 by military officials, or by officials of public or private power  
23 facilities, or when in the opinion of the department of transportation  
24 the movement or action is a necessary movement or action: PROVIDED  
25 FURTHER, That in the judgment of the department of transportation the  
26 structures and highway surfaces on the routes involved are capable of  
27 sustaining widths in excess of such limitation;

28 (5) These limitations shall not apply to movement during daylight  
29 hours on any two\_lane state highway where the gross weight, including  
30 load, does not exceed eighty thousand pounds and the overall width of

1 load does not exceed sixteen feet: PROVIDED, That the minimum and  
2 maximum speed of such movements, prescribed routes of such movements,  
3 the times of such movements, limitation upon frequency of trips (which  
4 limitation shall be not less than one per week), and conditions to  
5 assure safety of traffic may be prescribed by the department of  
6 transportation or local authority issuing such special permit.

7 The applicant for any special permit shall specifically describe  
8 the vehicle or vehicles and load to be operated or moved and the  
9 particular state highways for which permit to operate is requested and  
10 whether such permit is requested for a single trip or for continuous  
11 operation.

12 **Sec. 14.** RCW 46.44.095 and 1990 c 42 s 108 are each amended to  
13 read as follows:

14 When a combination of vehicles has been lawfully licensed to a  
15 total gross weight of eighty thousand pounds and when a three or more  
16 axle single unit vehicle has been lawfully licensed to a total gross  
17 weight of forty thousand pounds pursuant to provisions of RCW  
18 46.44.041, a permit for additional gross weight may be issued by the  
19 department of transportation upon the payment of fifty-two dollars and  
20 fifty cents per year for each one thousand pounds or fraction thereof  
21 of such additional gross weight: PROVIDED, That the tire limits  
22 specified in RCW 46.44.042 shall apply, and the gross weight on any  
23 single axle shall not exceed twenty thousand pounds, and the gross load  
24 on any group of axles shall not exceed the limits set forth in RCW  
25 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW  
26 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit  
27 for an additional six thousand pounds may be purchased for the rear  
28 axles of a two-axle garbage truck or eight thousand pounds for the  
29 tandem axle of a three-axle garbage truck at a rate not to exceed

1 forty-two dollars per thousand. Such additional weight in the case of  
2 garbage trucks shall not be valid or permitted on any part of the  
3 federal interstate highway system.

4 The annual additional tonnage permits provided for in this section  
5 shall be issued upon such terms and conditions as may be prescribed by  
6 the department pursuant to general rules adopted by the secretary of  
7 transportation ((~~commission~~)). Such permits shall entitle the  
8 permittee to carry such additional load in an amount and upon highways  
9 or sections of highways as may be determined by the department of  
10 transportation to be capable of withstanding increased gross load  
11 without undue injury to the highway: PROVIDED, That the permits are  
12 not valid on any highway where the use of such permits would deprive  
13 this state of federal funds for highway purposes.

14 For those vehicles registered under chapter 46.87 RCW, the annual  
15 additional tonnage permits provided for in this section may be issued  
16 to coincide with the registration year of the base jurisdiction. For  
17 those vehicles registered under chapter 46.16 RCW and whose  
18 registration has staggered renewal dates, the annual additional tonnage  
19 permits may be issued to coincide with the expiration date of the  
20 registration. The permits may be purchased at any time, and if they  
21 are purchased for less than a full year, the fee shall be one-twelfth  
22 of the full fee multiplied by the number of months, including any  
23 fraction thereof, covered by the permit. When the department issues a  
24 duplicate permit to replace a lost or destroyed permit and where the  
25 department transfers a permit from one vehicle to another a fee of  
26 fourteen dollars shall be charged for each duplicate issued or each  
27 transfer. The department of transportation shall issue permits on a  
28 temporary basis for periods not less than five days at two dollars and  
29 eighty cents per day for each two thousands pounds or fraction thereof.

1 The fees levied in RCW 46.44.0941 and this section shall not apply  
2 to any vehicles owned and operated by the state of Washington, any  
3 county within the state, ((or)) any city or town or metropolitan  
4 municipal corporation within the state, or by the federal government.

5 In the case of fleets prorating license fees under the provisions  
6 of chapter 46.87 RCW, the fees provided for in this section shall be  
7 computed by the department of transportation by applying the proportion  
8 of the Washington mileage of the fleet in question to the total mileage  
9 of the fleet as reported pursuant to chapter 46.87 RCW to the fees that  
10 would be required to purchase the additional weight allowance for all  
11 eligible vehicles or combinations of vehicles for which the extra  
12 weight allowance is requested.

13 When computing fees that result in an amount other than full  
14 dollars, the fee shall be increased to the next full dollar if fifty  
15 cents or over and shall be reduced to the next full dollar if forty-  
16 nine cents or under. The minimum fee for any prorated tonnage permit  
17 issued under this section shall be thirty-five dollars.

18 **Sec. 15.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended  
19 to read as follows:

20 It shall be unlawful for any person to operate a vehicle or any  
21 combination of vehicles over any bridge or other elevated structure or  
22 through any tunnel or underpass constituting a part of any public  
23 highway at a rate of speed or with a gross weight or of a size which is  
24 greater at any time than the maximum speed or maximum weight or size  
25 which can be maintained or carried with safety over any such bridge or  
26 structure or through any such tunnel or underpass when such bridge,  
27 structure, tunnel, or underpass is sign posted as hereinafter provided.  
28 The secretary of transportation, if it be a bridge, structure, tunnel,  
29 or underpass upon a state highway, or the governing body or authorities

1 of any county, city, or town, if it be upon roads or streets under  
2 their jurisdiction, may restrict the speed which may be maintained or  
3 the gross weight or size which may be operated upon or over any such  
4 bridge or elevated structure or through any such tunnel or underpass  
5 with safety thereto. The secretary or the governing body or  
6 authorities of any county, city, or town having jurisdiction shall  
7 determine and declare the maximum speed or maximum gross weight or size  
8 which such bridge, elevated structure, tunnel, or underpass can  
9 withstand or accommodate and shall cause suitable signs stating such  
10 maximum speed or maximum gross weight, or size, or either, to be  
11 erected and maintained on the right hand side of such highway, road, or  
12 street and at a distance of not less than one hundred feet from each  
13 end of such bridge, structure, tunnel, or underpass and on the approach  
14 thereto: PROVIDED, That in the event that any such bridge, elevated  
15 structure, tunnel, or underpass is upon a city street designated by the  
16 secretary of transportation (~~commission~~) as forming a part of the  
17 route of any state highway through any such incorporated city or town  
18 the determination of any maximum speed or maximum gross weight or size  
19 which such bridge, elevated structure, tunnel, or underpass can  
20 withstand or accommodate shall not be enforceable at any speed, weight,  
21 or size less than the maximum allowed by law, unless with the approval  
22 in writing of the secretary. Upon the trial of any person charged with  
23 a violation of this section, proof of either violation of maximum speed  
24 or maximum weight, or size, or either, and the distance and location of  
25 such signs as are required, shall constitute conclusive evidence of the  
26 maximum speed or maximum weight, or size, or either, which can be  
27 maintained or carried with safety over such bridge or elevated  
28 structure or through such tunnel or underpass.

1       **Sec. 16.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to read  
2 as follows:

3       The chief of the Washington state patrol, the director of the  
4 traffic safety commission, the executive director of the county road  
5 administration board, and the director of licensing are designated as  
6 official consultants to the department of transportation (~~commission~~)  
7 so that the goals and activities of their respective agencies which  
8 relate to transportation are fully coordinated with other related  
9 responsibilities of the department of transportation. In this  
10 capacity, the chief of the Washington state patrol, the director of the  
11 traffic safety commission, the executive director of the county road  
12 administration board, and the director of licensing shall consult with  
13 the (~~transportation commission and the~~) secretary of transportation  
14 on the implications and impacts on the transportation related functions  
15 and duties of their respective agencies of any proposed comprehensive  
16 transportation plan, program, or policy.

17       In order to develop fully integrated, balanced, and coordinated  
18 transportation plans, programs, and budgets the chief of the Washington  
19 state patrol, the director of the traffic safety commission, the  
20 executive director of the county road administration board, and the  
21 director of licensing shall consult with the secretary of  
22 transportation on the matter of relative priorities during the  
23 development of their respective agencies' plans, programs, and budgets  
24 as they pertain to transportation activities. The secretary of  
25 transportation shall provide written comments to the governor and the  
26 legislature on the extent to which the state patrol's, the traffic  
27 safety commission's, the county road administration board's, and the  
28 department of licensing's final plans, programs, and budgets are  
29 compatible with the priorities established in the department of  
30 transportation's final plans, programs, and budgets.

1       **Sec. 17.** RCW 47.01.280 and 1985 c 433 s 6 are each amended to read  
2 as follows:

3       (1) Upon receiving an application for improvements to an existing  
4 state highway or highways pursuant to RCW 43.160.074 from the community  
5 economic revitalization board, the secretary of transportation  
6 (~~commission~~) shall, in a timely manner, determine whether or not the  
7 proposed state highway improvements:

8       (a) Meet the safety and design criteria of the department of  
9 transportation;

10       (b) Will impair the operational integrity of the existing highway  
11 system;

12       (c) Will affect any other improvements planned by the department;  
13 and

14       (d) Will be consistent with its policies developed pursuant to RCW  
15 47.01.071.

16       (2) Upon completion of (~~its~~) the secretary's determination of the  
17 factors contained in subsection (1) of this section and any other  
18 factors (~~it~~) the secretary deems pertinent, the (~~transportation~~  
19 ~~commission~~) secretary shall forward (~~its~~) the secretary's approval,  
20 as submitted or amended or disapproval of the proposed improvements to  
21 the board, along with any recommendation (~~it~~) the secretary may wish  
22 to make concerning the desirability and feasibility of the proposed  
23 development.       If the (~~transportation—commission~~) secretary  
24 disapproves any proposed improvements, (~~it~~) the secretary shall  
25 specify (~~its~~) the secretary's reasons for disapproval.

26       (3) Upon notification from the board of an application's approval  
27 pursuant to RCW 43.160.074, the (~~transportation commission~~) secretary  
28 shall (~~direct the department of transportation to~~) carry out the  
29 improvements in coordination with the applicant.

1 (4) The (~~transportation commission~~) secretary shall notify the  
2 legislative transportation committee of all state highway improvements  
3 to be carried out pursuant to RCW 43.160.074 and this section.

4 (5) All state highway improvements that are approved pursuant to  
5 RCW 43.160.074 and this section shall be charged to the economic  
6 development account of the motor vehicle fund created by RCW 47.10.803.

7 **Sec. 18.** RCW 47.05.021 and 1987 c 505 s 50 are each amended to  
8 read as follows:

9 (1) The (~~transportation commission is hereby directed to~~)  
10 secretary shall conduct periodic analyses of the entire state highway  
11 system, report thereon to the chairs of the transportation committees  
12 of the senate and house of representatives, including one copy to the  
13 staff of each of the committees, biennially and based thereon, to  
14 subdivide, classify, and subclassify according to their function and  
15 importance all designated state highways and those added from time to  
16 time and periodically review and revise the classifications into the  
17 following three functional classes:

18 (a) The "principal arterial system" shall consist of a connected  
19 network of rural arterial routes with appropriate extensions into and  
20 through urban areas, including all routes designated as part of the  
21 interstate system, which serve corridor movements having travel  
22 characteristics indicative of substantial state-wide and interstate  
23 travel;

24 (b) The "minor arterial system" shall, in conjunction with the  
25 principal arterial system, form a rural network of arterial routes  
26 linking cities and other activity centers which generate long distance  
27 travel, and, with appropriate extensions into and through urban areas,  
28 form an integrated network providing interstate and interregional  
29 service; and

1 (c) The "collector system" shall consist of routes which primarily  
2 serve the more important intercounty, intracounty, and intraurban  
3 travel corridors, collect traffic from the system of local access roads  
4 and convey it to the arterial system, and on which, regardless of  
5 traffic volume, the predominant travel distances are shorter than on  
6 arterial routes.

7 (2) Those state highways which perform no arterial or collector  
8 function, which serve only local access functions, and which lack  
9 essential state highway characteristics shall be designated "local  
10 access" highways.

11 (3) In making the functional classification the (~~transportation~~  
12 ~~commission~~) secretary shall adopt and give consideration to criteria  
13 consistent with this section and federal regulations relating to the  
14 functional classification of highways, including but not limited to the  
15 following:

16 (a) Urban population centers within and without the state  
17 stratified and ranked according to size;

18 (b) Important traffic generating economic activities, including but  
19 not limited to recreation, agriculture, government, business, and  
20 industry;

21 (c) Feasibility of the route, including availability of alternate  
22 routes within and without the state;

23 (d) Directness of travel and distance between points of economic  
24 importance;

25 (e) Length of trips;

26 (f) Character and volume of traffic;

27 (g) Preferential consideration for multiple service which shall  
28 include public transportation;

29 (h) Reasonable spacing depending upon population density; and

30 (i) System continuity.

1       **Sec. 19.** RCW 47.05.030 and 1987 c 179 s 2 are each amended to read  
2 as follows:

3       The (~~transportation commission~~) secretary shall adopt and  
4 periodically revise, after consultation with the legislative  
5 transportation committee, a comprehensive six-year program and  
6 financial plan for highway improvements specifying program objectives  
7 for each of the highway categories, "A," "B," "C," and "H," defined in  
8 this section, and within the framework of estimated funds for such  
9 period. The program and plan shall be based upon the improvement needs  
10 for state highways as determined by the department from time to time.

11       With such reasonable deviations as may be required to effectively  
12 utilize the estimated funds and to adjust to unanticipated delays in  
13 programmed projects, the (~~commission~~) secretary shall allocate the  
14 estimated funds among the following described categories of highway  
15 improvements, so as to carry out the commission's program objectives:

16       (1) Category A shall consist of those improvements necessary to  
17 sustain the structural, safety, and operational integrity of the  
18 existing state highway system (other than improvements to the  
19 interstate system to be funded with federal aid at the regular  
20 interstate rate under federal law and regulations, and improvements  
21 designated in subsections (2) through (4) of this section).

22       (2) Category B shall consist of improvements for the continued  
23 development of the interstate system to be funded with federal aid at  
24 the regular interstate rate under federal law and regulations.

25       (3) Category C shall consist of the development of major  
26 transportation improvements (other than improvements to the interstate  
27 system to be funded with federal aid at the regular interstate rate  
28 under federal law and regulations) including designated but  
29 unconstructed highways which are vital to the state-wide transportation  
30 network.

1 (4) Category H shall consist of those improvements necessary to  
2 sustain the structural and operational integrity of existing bridges on  
3 the highway system (other than bridges on the interstate system or  
4 bridge work included in another category because of its association  
5 with a highway project in such category).

6 Projects which are financed one hundred percent by federal funds or  
7 other agency funds shall, if the commission determines that such work  
8 will improve the state highway system, be managed separately from the  
9 above categories.

10 **Sec. 20.** RCW 47.05.035 and 1987 c 179 s 3 are each amended to read  
11 as follows:

12 (1) The (~~transportation commission~~) secretary, in preparing the  
13 comprehensive six-year program and financial plan for highway  
14 improvements, shall allocate the estimated funds among categories A, B,  
15 C, and H giving primary consideration to the following factors:

16 (a) The relative needs in each of the categories of improvements;

17 (b) The need to provide adequate funding for category A  
18 improvements to protect the state's investment in its existing highway  
19 system;

20 (c) The continuity of future highway development of all categories  
21 of improvements with those previously programmed; and

22 (d) The availability of special categories of federal funds for  
23 specific work.

24 (2) The (~~commission~~) secretary in preparing the comprehensive  
25 six-year program and financial plan shall establish program objectives  
26 for each of the highway categories, A, B, C, and H.

27 **Sec. 21.** RCW 47.05.040 and 1987 c 179 s 4 are each amended to read  
28 as follows:

1 (1) Prior to October 1st of each even-numbered year, the  
2 (~~transportation commission~~) secretary, as provided in subsections  
3 (2)(~~, (3), (4), and~~) through (5) of this section, shall adopt and  
4 thereafter shall biennially revise, after consultation with the  
5 legislative transportation committee, the comprehensive six-year  
6 program and financial plan for highway improvements, including program  
7 objectives, as specified in RCW 47.05.030 (~~as now or hereafter~~  
8 ~~amended~~)).

9 (2) The (~~commission~~) secretary shall first allocate to category  
10 A improvements as a whole the estimated construction funds as will be  
11 necessary to accomplish the (~~commission's~~) program objectives for  
12 category A highway improvements throughout the state. The  
13 (~~commission~~) secretary shall then apportion the allocated category A  
14 construction funds among the several transportation districts  
15 considering the improvement needs of each district in relation to such  
16 needs in all districts.

17 (3) The (~~commission~~) secretary shall next allocate to category B  
18 improvements the estimated federal aid interstate funds and state  
19 matching funds as necessary to accomplish the (~~commission's~~) program  
20 objectives for category B highway improvements throughout the state.

21 (4) The (~~commission~~) secretary shall next allocate to category H  
22 the federal bridge replacement funds and required state funds necessary  
23 to accomplish the (~~commission's~~) objectives for category H throughout  
24 the state.

25 (5) The (~~commission~~) secretary shall then allocate to category C  
26 improvements the remaining estimated construction funds to accomplish  
27 the (~~commission's~~) program objectives for category C highway  
28 improvements throughout the state.

1       **Sec. 22.** RCW 47.05.051 and 1987 c 179 s 5 are each amended to read  
2 as follows:

3       (1) The comprehensive six-year program and financial plan for each  
4 category of highway improvements shall be based upon a priority  
5 selection system within the program objectives established for each  
6 category. The ~~((commission))~~ secretary, using the criteria set forth  
7 in RCW 47.05.030, ~~((as now or hereafter amended,))~~ shall determine the  
8 category of each highway improvement.

9       (2) Selection of specific category A and H projects for the six-  
10 year program shall take into account the criteria set forth in  
11 subsection (4) of this section.

12       (3) Selection of specific category B projects for the six-year  
13 program shall be based on ~~((commission))~~ established priorities for  
14 completion and preservation of the interstate system.

15       (4) In selecting each category A and H project as provided in  
16 subsection (2) of this section, the following criteria (not necessarily  
17 in order of importance) shall be taken into consideration:

18       (a) Its structural ability to carry loads imposed upon it;

19       (b) Its capacity to move traffic at reasonable speeds without undue  
20 congestion;

21       (c) Its adequacy of alignment and related geometrics;

22       (d) Its accident experience; and

23       (e) Its fatal accident experience.

24       (5) ~~((The transportation commission in carrying out the provisions  
25 of this section may delegate to the department of transportation the  
26 authority to select category A, B, and H improvements to be included in  
27 the six-year program.~~

28       ~~(6))~~ Selection of specific category C projects for the six-year  
29 program shall be based on the priority of each highway section proposed  
30 to be improved in relation to other highway sections within the state

1 with full regard to the structural, geometric, safety, and operational  
2 adequacy of the existing highway section taking into account the  
3 following:

4 (a) Continuity of development of the highway transportation  
5 network;

6 (b) Coordination with the development of other modes of  
7 transportation;

8 (c) The stated long range goals of the local area and its  
9 transportation plan;

10 (d) Its potential social, economic, and environmental impacts;

11 (e) Public views concerning proposed improvements;

12 (f) The conservation of energy resources and the capacity of the  
13 transportation corridor to move people and goods safely and at  
14 reasonable speeds; and

15 (g) Feasibility of financing the full proposed improvement.

16 ~~((7))~~ (6) The ~~((commission))~~ secretary, in selecting any project  
17 for improvement in categories A, B, C, or H, may depart from the  
18 priority of projects so established (a) to the extent that otherwise  
19 funds cannot be utilized feasibly within the program, (b) as may be  
20 required by a court judgment, legally binding agreement, or state and  
21 federal laws and regulations, (c) as may be required to coordinate with  
22 federal, local, or other state agency construction projects, (d) to  
23 take advantage of some substantial financial benefit that may be  
24 available, (e) for continuity of route development, or (f) because of  
25 changed financial or physical conditions of an unforeseen or emergent  
26 nature. The ~~((commission))~~ secretary shall maintain in ~~((its))~~ his or  
27 her files information sufficient to show the extent to which the  
28 ~~((commission))~~ secretary has departed from the established priority of  
29 projects.

1       (~~(8)~~) (7) The comprehensive six-year program and financial plan  
2 for highway improvements shall be revised biennially pursuant to RCW  
3 47.05.040 (~~(as now or hereafter amended)~~). The adopted program and  
4 plan shall be extended for an additional two years, to six years in the  
5 future, effective on July 1st of each odd-numbered year.

6       **Sec. 23.** RCW 47.05.070 and 1983 1st ex.s. c 53 s 31 are each  
7 amended to read as follows:

8       The (~~(transportation commission)~~) secretary shall approve and  
9 present to the governor and to the legislature prior to its convening,  
10 a recommended budget for the ensuing biennium. The biennial budget  
11 shall include details of proposed expenditures, and performance and  
12 public service criteria for construction, maintenance, and planning  
13 activities in consonance with the comprehensive six-year program and  
14 financial plan adopted under provisions of RCW 44.40.070 and 47.05.040.

15       **Sec. 24.** RCW 47.10.790 and 1985 c 406 s 1 are each amended to read  
16 as follows:

17       (1) In order to provide funds for the location, design, right of  
18 way, and construction of selected interstate highway improvements,  
19 there shall be issued and sold upon the request of the Washington state  
20 transportation commission, a total of one hundred million dollars of  
21 general obligation bonds of the state of Washington to pay the state's  
22 share of costs for completion of state route 90 (state route 5 to state  
23 route 405) and other related state highway projects eligible for  
24 regular federal interstate funding and until December 31, 1989, to  
25 temporarily pay the regular federal share of construction of completion  
26 projects on state route 90 (state route 5 to state route 405) and other  
27 related state highway projects eligible for regular interstate funding  
28 in advance of federal-aid apportionments under the provisions of 23

1 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds  
2 issued to temporarily pay the regular federal share of construction of  
3 federal-aid interstate highways in advance of federal-aid  
4 apportionments as authorized by this section and RCW 47.10.801 shall  
5 not exceed one hundred twenty million dollars: PROVIDED FURTHER, That  
6 after the effective date of this act, bonds may be issued and sold  
7 under this section only upon the request of the secretary of  
8 transportation: PROVIDED FURTHER, That the ((transportation  
9 commission)) secretary shall consult with the legislative  
10 transportation committee prior to the adoption of plans for the  
11 obligation of federal-aid apportionments received in federal fiscal  
12 year ((1985)) 1991 and subsequent years to pay the regular federal  
13 share of federal-aid interstate highway construction projects or to  
14 convert such apportionments under the provisions of 23 U.S.C. Secs. 115  
15 or 122.

16 (2) The ((~~transportation commission~~)) secretary, in consultation  
17 with the legislative transportation committee, may at any time after  
18 the effective date of this act find and determine that any amount of  
19 the bonds authorized in subsection (1) of this section, and not then  
20 sold, are no longer required to be issued and sold for the purposes  
21 described in subsection (1) of this section.

22 (3) Any bonds authorized by subsection (1) of this section that the  
23 ((~~transportation commission~~)) secretary determines are no longer  
24 required for the purpose of paying the cost of the designated  
25 interstate highway improvements described therein shall be issued and  
26 sold, upon the request of the ((~~Washington state transportation~~  
27 ~~commission~~)) secretary, to provide funds for the location, design,  
28 right of way, and construction of major transportation improvements  
29 throughout the state that are identified as category C improvements in  
30 RCW 47.05.030.

1       **Sec. 25.** RCW 47.10.791 and 1986 c 290 s 6 are each amended to read  
2 as follows:

3       Upon request being made by the (~~transportation commission~~)  
4 secretary, the state finance committee shall supervise and provide for  
5 the issuance, sale, and retirement of the bonds authorized by RCW  
6 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The  
7 amount of such bonds issued and sold under the provisions of RCW  
8 47.10.790 through 47.10.798 in any biennium may not exceed the amount  
9 of a specific appropriation therefor. Such bonds may be sold from time  
10 to time in such amounts as may be necessary for the orderly progress of  
11 the state highway improvements specified in RCW 47.10.790. The bonds  
12 shall be sold in such manner, at such time or times, in such amounts,  
13 and at such price or prices as the state finance committee shall  
14 determine. The state finance committee may obtain insurance, letters  
15 of credit, or other credit facility devices with respect to the bonds  
16 and may authorize the execution and delivery of agreements, promissory  
17 notes, and other obligations for the purpose of insuring the payment or  
18 enhancing the marketability of the bonds. Promissory notes or other  
19 obligations issued under this section shall not constitute a debt or  
20 the contracting of indebtedness under any constitutional or statutory  
21 indebtedness limitation if their payment is conditioned upon the  
22 failure of the state to pay the principal of or interest on the bonds  
23 with respect to which the promissory notes or other obligations relate.  
24 The state finance committee may authorize the issuance of short-term  
25 obligations in lieu of long-term obligations for the purposes of more  
26 favorable interest rates, lower total interest costs, and increased  
27 marketability and for the purposes of retiring the bonds during the  
28 life of the project for which they were issued.

1       **Sec. 26.** RCW 47.10.801 and 1985 c 433 s 7 and 1985 c 406 s 2 are  
2 each reenacted and amended to read as follows:

3       (1) In order to provide funds necessary for the location, design,  
4 right of way, and construction of selected interstate and other state  
5 highway improvements, there shall be issued and sold, subject to  
6 subsections (2) and (3) of this section, upon the request of the  
7 Washington state transportation commission a total of four hundred  
8 sixty million dollars of general obligation bonds of the state of  
9 Washington for the following purposes and specified sums: PROVIDED,  
10 That after the effective date of this act, bonds may be issued and sold  
11 under this section only upon the request of the secretary of  
12 transportation:

13       (a) Not to exceed two hundred twenty-five million dollars to pay  
14 the state's share of costs for federal-aid interstate highway  
15 improvements and until December 31, 1989, to temporarily pay the  
16 regular federal share of construction of federal-aid interstate highway  
17 improvements to complete state routes 82, 90, 182, and 705 in advance  
18 of federal-aid apportionments under the provisions of 23 U.S.C. Secs.  
19 115 or 122: PROVIDED, That the total amount of bonds issued to  
20 temporarily pay the regular federal share of construction of federal-  
21 aid interstate highways in advance of federal-aid apportionments as  
22 authorized by this section and RCW 47.10.790 shall not exceed one  
23 hundred twenty million dollars: PROVIDED FURTHER, That the  
24 ~~((transportation—commission))~~ secretary shall consult with the  
25 legislative transportation committee prior to the adoption of plans for  
26 the obligation of federal-aid apportionments received in federal fiscal  
27 year ~~((1985))~~ 1991 and subsequent years to pay the regular federal  
28 share of federal-aid interstate highway construction projects or to  
29 convert such apportionments under the provisions of 23 U.S.C. Secs. 115  
30 or 122;

1 (b) Two hundred twenty-five million dollars for major  
2 transportation improvements throughout the state that are identified as  
3 category C improvements and for selected major non-interstate  
4 construction and reconstruction projects that are included as Category  
5 A Improvements in RCW 47.05.030;

6 (c) Ten million dollars for state highway improvements necessitated  
7 by planned economic development, as determined through the procedures  
8 set forth in RCW 43.160.074 and 47.01.280.

9 (2) The amount of bonds authorized in subsection (1)(a) of this  
10 section shall be reduced if the (~~transportation commission~~)  
11 secretary, in consultation with the legislative transportation  
12 committee, determines that any of the bonds that have not been sold are  
13 no longer required.

14 (3) The amount of bonds authorized in subsection (1)(b) of this  
15 section shall be increased by an amount not to exceed, and concurrent  
16 with, any reduction of bonds authorized under subsection (1)(a) of this  
17 section in the manner prescribed in subsection (2) of this section.

18 **Sec. 27.** RCW 47.10.802 and 1986 c 290 s 1 are each amended to read  
19 as follows:

20 Upon request being made by the (~~transportation commission~~)  
21 secretary, the state finance committee shall supervise and provide for  
22 the issuance, sale, and retirement of the bonds authorized by RCW  
23 47.10.801 in accordance with chapter 39.42 RCW. The amount of such  
24 bonds issued and sold under RCW 47.10.801 through 47.10.809 in any  
25 biennium may not exceed the amount of a specific appropriation  
26 therefor. Such bonds may be sold from time to time in such amounts as  
27 may be necessary for the orderly progress of the state highway  
28 improvements specified in RCW 47.10.801. The amount of bonds issued  
29 and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as

1 provided in that section, exceed the amount required to match federal-  
2 aid interstate funds available to the state of Washington. The  
3 (~~transportation commission~~) secretary shall give notice of (~~its~~)  
4 intent to sell bonds to the legislative transportation committee before  
5 requesting the state finance committee to issue and sell bonds  
6 authorized by RCW 47.10.801(1)(a). The bonds shall be sold in such  
7 manner, at such time or times, in such amounts, and at such price or  
8 prices as the state finance committee shall determine. The state  
9 finance committee may obtain insurance, letters of credit, or other  
10 credit facility devices with respect to the bonds and may authorize the  
11 execution and delivery of agreements, promissory notes, and other  
12 obligations for the purpose of insuring the payment or enhancing the  
13 marketability of the bonds. Promissory notes or other obligations  
14 issued under this section shall not constitute a debt or the  
15 contracting of indebtedness under any constitutional or statutory  
16 indebtedness limitation if their payment is conditioned upon the  
17 failure of the state to pay the principal of or interest on the bonds  
18 with respect to which the promissory notes or other obligations relate.  
19 The state finance committee may authorize the issuance of short-term  
20 obligations in lieu of long-term obligations for the purposes of more  
21 favorable interest rates, lower total interest costs, and increased  
22 marketability and for the purposes of retiring the bonds during the  
23 life of the project for which they were issued.

24 **Sec. 28.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended  
25 to read as follows:

26 The (~~transportation commission~~) secretary may enter into  
27 agreements with the state finance committee for financing the  
28 acquisition, by purchase or condemnation, of real property together  
29 with engineering costs that the (~~transportation commission~~) secretary

1 deems will be necessary for the improvement of the state highway  
2 system. Such agreements may provide for the acquisition of an  
3 individual parcel or for the acquisition of any number of parcels  
4 within the limits of a contemplated highway project.

5 **Sec. 29.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended  
6 to read as follows:

7 Each such agreement shall include, but shall not be limited to the  
8 following:

9 (1) A provision stating the term of the agreement which shall not  
10 extend more than seven years from the effective date of the agreement;

11 (2) A designation of the specific fund or funds to be used to carry  
12 out such agreement;

13 (3) A provision that the department of transportation may redeem  
14 warrants purchased by the state finance committee at any time prior to  
15 the letting of a highway improvement contract utilizing the property;  
16 and further, during the effective period of each such agreement the  
17 department of transportation shall redeem such warrants whenever such  
18 a highway improvement contract is let, or upon the expiration of such  
19 agreement, whichever date is earlier;

20 (4) A provision stating the rate of interest such warrants shall  
21 bear commencing at the time of purchase by the state finance committee;

22 (5) Any additional provisions agreed upon by the (~~transportation~~  
23 ~~commission~~) secretary and the state finance committee which are  
24 necessary to carry out the purposes of such agreement as indicated by  
25 RCW 47.12.180 through 47.12.240(~~(, as now or hereafter amended)~~).

26 **Sec. 30.** RCW 47.24.010 and 1979 ex.s. c 86 s 2 are each amended to  
27 read as follows:

1       The (~~transportation commission~~) secretary shall determine what  
2 streets, together with bridges thereon and wharves necessary for use  
3 for ferriage of motor vehicle traffic in connection with such streets,  
4 if any, in any incorporated cities and towns shall form a part of the  
5 route of state highways, and between the first and fifteenth days of  
6 July of any year the department of transportation shall certify to the  
7 clerk of each city or town, by brief description, the streets, together  
8 with the bridges thereon and wharves, if any, in such city or town  
9 which are designated as forming a part of the route of any state  
10 highway; and all such streets, including curbs and gutters and street  
11 intersections and such bridges and wharves, shall thereafter be a part  
12 of the state highway system and as such shall be constructed and  
13 maintained by the department of transportation from any state funds  
14 available therefor:     PROVIDED, That the responsibility for the  
15 construction and maintenance of any such street together with its  
16 appurtenances may be returned to a city or a town upon certification by  
17 the department of transportation to the clerk of any city or town that  
18 such street, or portion thereof, is no longer required as a part of the  
19 state highway system:     PROVIDED FURTHER, That any such certification  
20 that a street, or portion thereof, is no longer required as a part of  
21 the state highway system shall be made between the first and fifteenth  
22 of July following the determination by the department that such street  
23 or portion thereof is no longer required as a part of the state highway  
24 system, but this shall not prevent the department and any city or town  
25 from entering into an agreement that a city or town will accept  
26 responsibility for such a street or portion thereof at some time other  
27 than between the first and fifteenth of July of any year.

28       **Sec. 31.** RCW 47.24.020 and 1987 c 68 s 1 are each amended to read  
29 as follows:

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

3       (1) The department has no authority to change or establish any  
4 grade of any such street without approval of the governing body of such  
5 city or town, except with respect to limited access facilities  
6 established by the (~~commission~~) secretary;

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

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

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

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

27       (6) The city or town at its own expense shall provide street  
28 illumination and shall clean all such streets, including storm sewer  
29 inlets and catch basins, and remove all snow, except that the state  
30 shall when necessary plow the snow on the roadway. In cities and towns

1 having a population of fifteen thousand or less according to the latest  
2 determination of population by the office of financial management, the  
3 state, when necessary for public safety, shall assume, at its expense,  
4 responsibility for the stability of the slopes of cuts and fills and  
5 the embankments within the right of way to protect the roadway itself.  
6 The state shall install, maintain, and operate all illuminating  
7 facilities on any limited access facility, together with its  
8 interchanges, located within the corporate limits of any city or town,  
9 and shall assume and pay the costs of all such installation,  
10 maintenance, and operation incurred after November 1, 1954;

11 (7) The department has the right to use all storm sewers on such  
12 highways without cost; and if new storm sewer facilities are necessary  
13 in construction of new streets by the department, the cost of the  
14 facilities shall be borne by the state (~~and~~) or city, or both, as may  
15 be mutually agreed upon between the department and the governing body  
16 of the city or town;

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

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

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

5 (11) Cities and towns shall regulate and enforce all traffic and  
6 parking restrictions on such streets, but all regulations adopted by a  
7 city or town relating to speed, parking, and traffic control devices on  
8 such streets not identical to state law relating thereto are subject to  
9 the approval of the department before becoming effective. All  
10 regulations pertaining to speed, parking, and traffic control devices  
11 relating to such streets heretofore adopted by a city or town not  
12 identical with state laws shall become null and void unless approved by  
13 the department heretofore or within one year after March 21, 1963;

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

17 (13) The department shall install, operate, maintain, and control  
18 at state expense all traffic control signals, signs, and traffic  
19 control devices for the purpose of regulating both pedestrian and motor  
20 vehicular traffic on, entering upon, or leaving state highways in  
21 cities and towns having a population of fifteen thousand or less  
22 according to the latest determination of population by the office of  
23 financial management. Such cities and towns may submit to the  
24 department a plan for traffic control signals, signs, and traffic  
25 control devices desired by them, indicating the location, nature of  
26 installation, or type thereof, or a proposed amendment to such an  
27 existing plan or installation, and the department shall consult with  
28 the cities or towns concerning the plan before installing such signals,  
29 signs, or devices. Cities and towns having a population in excess of  
30 fifteen thousand according to the latest determination of population by

1 the office of financial management shall install, maintain, operate,  
2 and control such signals, signs, and devices at their own expense,  
3 subject to approval of the department for the installation and type  
4 only. For the purpose of this subsection, striping, lane marking, and  
5 channelization are considered traffic control devices;

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

8 (15) Rights of way for such streets shall be acquired by either the  
9 city or town or by the state as shall be mutually agreed upon. Costs  
10 of acquiring rights of way may be at the sole expense of the state or  
11 at the expense of the city or town or at the expense of the state and  
12 the city or town as may be mutually agreed upon. Title to all such  
13 rights of way so acquired shall vest in the city or town: PROVIDED,  
14 That no vacation, sale, rental, or any other nontransportation use of  
15 any unused portion of any such street may be made by the city or town  
16 without the prior written approval of the department; and all revenue  
17 derived from sale, vacation, rental, or any nontransportation use of  
18 such rights of way shall be shared by the city or town and the state in  
19 the same proportion as the purchase costs were shared;

20 (16) If any city or town fails to perform any of its obligations as  
21 set forth in this section or in any cooperative agreement entered into  
22 with the department for the maintenance of a city or town street  
23 forming part of the route of a state highway, the department may notify  
24 the mayor of the city or town to perform the necessary maintenance  
25 within thirty days. If the city or town within the thirty days fails  
26 to perform the maintenance or fails to authorize the department to  
27 perform the maintenance as provided by RCW 47.24.050, the department  
28 may perform the maintenance, the cost of which is to be deducted from  
29 any sums in the motor vehicle fund credited or to be credited to the  
30 city or town.

1       **Sec. 32.** RCW 47.26.400 and 1984 c 7 s 161 are each amended to read  
2 as follows:

3       In order to provide funds necessary to meet the urgent needs for  
4 highway construction on state highways within urban areas, there shall  
5 be issued and sold general obligation bonds of the state of Washington  
6 in the sum of two hundred million dollars or such amount thereof and at  
7 such times as determined to be necessary by the ~~((commission))~~  
8 secretary. The amount of the bonds issued and sold under the  
9 provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not  
10 exceed the amount of a specific appropriation therefor from the  
11 proceeds of such bonds, for the construction of state highways in urban  
12 areas. The issuance, sale, and retirement of the bonds shall be under  
13 the supervision and control of the state finance committee which, upon  
14 request being made by the ~~((commission))~~ secretary, shall provide for  
15 the issuance, sale, and retirement of coupon or registered bonds to be  
16 dated, issued, and sold from time to time in such amounts as shall be  
17 requested by the ~~((commission))~~ secretary.

18       **Sec. 33.** RCW 47.26.420 and 1981 c 315 s 5 are each amended to read  
19 as follows:

20       In order to provide funds necessary to meet the urgent construction  
21 needs on county and city arterial within urban areas, there are hereby  
22 authorized for issuance general obligation bonds of the state of  
23 Washington, the first authorization of which shall be in the sum of two  
24 hundred million dollars, and the second authorization of which, to be  
25 known as series II bonds, shall be in the sum of sixty million dollars,  
26 and the third authorization of which, to be known as series III bonds,  
27 shall be in the sum of one hundred million dollars which shall be  
28 issued and sold in such amounts and at such times as determined to be  
29 necessary by the ~~((state transportation commission))~~ secretary of

1 transportation. The amount of such bonds issued and sold under the  
2 provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not  
3 exceed the amount of a specific appropriation therefor, from the  
4 proceeds of such bonds, for the construction of county and city  
5 arterial in urban areas. The issuance, sale, and retirement of said  
6 bonds shall be under the supervision and control of the state finance  
7 committee which, upon request being made by the ((~~state transportation~~  
8 ~~commission~~)) secretary, shall provide for the issuance, sale, and  
9 retirement of coupon or registered bonds to be dated, issued, and sold  
10 from time to time in such amounts as shall be requested by the ((~~state~~  
11 ~~transportation commission~~)) secretary.

12 **Sec. 34.** RCW 47.26.440 and 1988 c 167 s 32 are each amended to  
13 read as follows:

14 Not later than November 1st of each even-numbered year the  
15 transportation improvement board shall prepare and present to the  
16 ((~~commission~~)) secretary of transportation an adopted budget for  
17 expenditures from the urban arterial trust account and the  
18 transportation improvement account during the ensuing biennium. The  
19 budget shall contain an estimate of the revenues to be credited to the  
20 urban arterial trust account and the transportation improvement account  
21 and the amount, if any, of bond proceeds which the board determines  
22 should be made available to the urban arterial trust account through  
23 the sale of bonds in the ensuing biennium.

24 The ((~~commission~~)) secretary shall include the budget for the  
25 transportation improvement board as a separate section of the  
26 transportation budget which ((~~it~~)) the secretary shall submit to the  
27 governor and the legislature at the time of its convening.

1       **Sec. 35.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended  
2 to read as follows:

3       Whenever the general route of any state highway shall be designated  
4 and laid out as running to or by way of certain designated points,  
5 without specifying the particular route to be followed to or by way of  
6 such points, the (~~transportation commission~~) secretary shall  
7 determine the particular route to be followed by (~~said~~) the state  
8 highway to or by way of said designated points, and shall be at liberty  
9 to select and adopt as a part of such state highway, the whole or any  
10 part of any existing public highway previously designated as a county  
11 road, primary road, or secondary road or now or hereafter classified as  
12 a county road. The (~~commission~~) secretary need not select and adopt  
13 the entire routes for such state highways at one time, but may select  
14 and adopt parts of such routes from time to time as (~~it~~) the  
15 secretary deems advisable. Where a state highway is designated as  
16 passing by way of a certain point, this shall not require the  
17 (~~commission~~) secretary to cause such state highway to pass through or  
18 touch such point but such designation is directional only and may be  
19 complied with by location in the general vicinity. The department of  
20 transportation is empowered to construct as a part of any state highway  
21 as designated and in addition to any portion meeting the limits of any  
22 incorporated city or town a bypass section either through or around any  
23 such incorporated city or town.

24       **Sec. 36.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read  
25 as follows:

26       (1) Whenever the department finds that as a consequence of  
27 accident, natural disaster, or other emergency, an existing state  
28 highway is in jeopardy or is rendered impassible in one or both  
29 directions and the department further finds that prompt reconstruction,

1 repair, or other work is needed to preserve or restore the highway for  
2 public travel, the department may obtain at least three written bids  
3 for the work without publishing a call for bids, and the secretary of  
4 transportation may award a contract forthwith to the lowest responsible  
5 bidder.

6 The department shall notify any association or organization of  
7 contractors filing a request to regularly receive notification.  
8 Notification to an association or organization of contractors shall  
9 include: (a) The location of the work to be done; (b) the general  
10 anticipated nature of the work to be done; and (c) the date determined  
11 by the department as reasonable in view of the nature of the work and  
12 emergent nature of the problem after which the department will not  
13 receive bids.

14 (2) Whenever the department finds it necessary to protect a highway  
15 facility from imminent damage or to perform emergency work to reopen a  
16 highway facility, the department may contract for such work on a  
17 negotiated basis not to exceed force account rates for a period not to  
18 exceed thirty working days.

19 ~~(3) ((The secretary shall review any contract exceeding two hundred  
20 thousand dollars awarded under subsection (1) or (2) of this section  
21 with the transportation commission at its next regularly scheduled  
22 meeting.~~

23 ~~(4))~~ Any person, firm, or corporation awarded a contract for work  
24 must be prequalified pursuant to RCW 47.28.070 and may be required to  
25 furnish a bid deposit or performance bond.

26 **Sec. 37.** RCW 47.42.040 and 1990 c 258 s 2 are each amended to read  
27 as follows:

28 It is declared to be the policy of the state that no signs which  
29 are visible from the main traveled way of the interstate system,

1 primary system, or scenic system shall be erected or maintained except  
2 the following types:

3 (1) Directional or other official signs or notices that are  
4 required or authorized by law;

5 (2) Signs advertising the sale or lease of the property upon which  
6 they are located;

7 (3) Signs advertising activities conducted on the property on which  
8 they are located;

9 (4) Signs, not inconsistent with the policy of this chapter and the  
10 national policy set forth in section 131 of title 23, United States  
11 Code as codified and enacted by Public Law 85-767 and amended only by  
12 section 106, Public Law 86-342, and the national standards promulgated  
13 thereunder by the secretary of commerce or the secretary of  
14 transportation, advertising activities being conducted at a location  
15 within twelve miles of the point at which such signs are located:  
16 PROVIDED, That no sign lawfully erected pursuant to this subsection  
17 adjacent to the interstate system and outside commercial and industrial  
18 areas shall be maintained by any person after three years from May 10,  
19 1971;

20 (5) Signs, not inconsistent with the policy of this chapter and the  
21 national policy set forth in section 131 of title 23, United States  
22 Code as codified and enacted by Public Law 85-767 and amended only by  
23 section 106, Public Law 86-342, and the regulations promulgated  
24 thereunder by the secretary of commerce or the secretary of  
25 transportation, designed to give information in the specific interest  
26 of the traveling public: PROVIDED, That no sign lawfully erected  
27 pursuant to this subsection adjacent to the interstate system and  
28 outside commercial and industrial areas shall be maintained by any  
29 person after three years from May 10, 1971;

1 (6) Signs lawfully in existence on October 22, 1965, determined by  
2 the ((commission)) secretary, subject to the approval of the United  
3 States secretary of transportation, to be landmark signs, including  
4 signs on farm structures or natural surfaces, of historic or artistic  
5 significance the preservation of which would be consistent with the  
6 purposes of chapter 47.42 RCW;

7 (7) Public service signs, located on school bus stop shelters,  
8 which:

9 (a) Identify the donor, sponsor, or contributor of said shelters;

10 (b) Contain safety slogans or messages which occupy not less than  
11 sixty percent of the area of the sign;

12 (c) Contain no other message;

13 (d) Are located on school bus shelters which are authorized or  
14 approved by city, county, or state law, regulation, or ordinance, and  
15 at places approved by the city, county, or state agency controlling the  
16 highway involved; and

17 (e) Do not exceed thirty-two square feet in area. Not more than  
18 one sign on each shelter may face in any one direction.

19 Subsection (7) of this section notwithstanding, the department of  
20 transportation shall adopt regulations relating to the appearance of  
21 school bus shelters, the placement, size, and public service content of  
22 public service signs located thereon, and the prominence of the  
23 identification of the donors, sponsors, or contributors of the  
24 shelters.

25 (8) Temporary agricultural directional signs, with the following  
26 restrictions:

27 (a) Signs shall be posted only during the period of time the  
28 seasonal agricultural product is being sold;

29 (b) Signs shall not be placed adjacent to the interstate highway  
30 system unless the sign qualifies as an on-premise sign;

1 (c) Signs shall not be placed within an incorporated city or town;

2 (d) Premises on which the seasonal agricultural products are sold  
3 must be within fifteen miles of the state highway, and necessary  
4 supplemental signing on local roads must be provided before the  
5 installation of the signs on the state highway;

6 (e) Signs must be located so as not to restrict sight distances on  
7 approaches to intersections;

8 (f) The department shall establish a permit system and fee schedule  
9 and rules for the manufacturing, installation, and maintenance of these  
10 signs in accordance with the policy of this chapter;

11 (g) Signs in violation of these provisions shall be removed in  
12 accordance with the procedures in RCW 47.42.080;

13 (9) Adopt-a-highway signs, with the following restrictions:

14 (a) Signs shall be designed by the department and may only include  
15 the words "adopt-a-highway litter control next XX miles" and the name  
16 of the litter control area sponsor. The sponsor's name shall not be  
17 displayed more predominantly than the remainder of the sign message.  
18 No trademarks or business logos may be displayed;

19 (b) Signs may be placed along interstate, primary, and scenic  
20 system highways;

21 (c) For each litter control area designated by the department, one  
22 sign may be placed visible to traffic approaching from each direction;

23 (d) Signs shall be located so as not to detract from official  
24 traffic control signs installed pursuant to the manual on uniform  
25 traffic control devices adopted by the department;

26 (e) Signs shall be located so as not to restrict sight distance on  
27 approaches to intersections or interchanges;

28 (f) The department may charge reasonable fees to defray the cost of  
29 manufacture, installation, and maintenance of adopt-a-highway signs.

1        Only signs of types 1, 2, 3, 7, 8, and 9 may be erected or  
2 maintained within view of the scenic system. Signs of types 7, 8, and  
3 9 may also be erected or maintained within view of the federal aid  
4 primary system.

5        **Sec. 38.** RCW 47.42.045 and 1975-'76 2nd ex.s. c 55 s 2 are each  
6 amended to read as follows:

7        (1) Not more than one type 3 sign visible to traffic proceeding in  
8 any one direction on an interstate system, primary system outside an  
9 incorporated city or town or commercial or industrial area, or scenic  
10 system highway may be permitted more than fifty feet from the  
11 advertised activity;

12        (2) A type 3 sign, other than one along any portion of the primary  
13 system within an incorporated city or town or within any commercial or  
14 industrial area, permitted more than fifty feet from the advertised  
15 activity pursuant to subsection (1) of this section shall not be  
16 erected or maintained a greater distance from the advertised activity  
17 than one of the following options selected by the owner of the business  
18 being advertised:

19        (a) One hundred fifty feet measured along the edge of the protected  
20 highway from the main entrance to the activity advertised (when  
21 applicable);

22        (b) One hundred fifty feet from the main building of the advertised  
23 activity; or

24        (c) Fifty feet from a regularly used parking lot maintained by and  
25 contiguous to the advertised activity.

26        (3) In addition to signs permitted by subsections (1) and (2) of  
27 this section, the ~~((commission))~~ secretary may adopt ~~((regulations))~~  
28 rules permitting one type 3 sign visible to traffic proceeding in any  
29 one direction on an interstate, primary, or scenic system highway on

1 premises which, on June 25, 1976, are used wholly or in part as an  
2 operating business, farm, ranch, or orchard which sign bears only the  
3 name of the business, farm, ranch, or orchard and a directional arrow  
4 or short directional message. ((Regulations)) Rules adopted under this  
5 subsection shall prohibit the erection or maintenance of such type 3  
6 signs on narrow strips of land a substantial distance from but  
7 connected with a business, farm, ranch, or orchard. Signs permitted  
8 under this subsection shall not exceed fifty square feet in area.

9 (4) The ((commission)) secretary, with advice from the parks and  
10 recreation commission, shall adopt specifications for a uniform system  
11 of official tourist facility directional signs to be used on the scenic  
12 system highways. Official directional signs shall be posted by the  
13 ((commission)) department to inform motorists of types of tourist and  
14 recreational facilities available off the scenic system which are  
15 accessible by way of public or private roads intersecting scenic system  
16 highways.

17 **Sec. 39.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read  
18 as follows:

19 Except as provided in RCW 47.52.134, the ((transportation  
20 commission)) secretary and the highway authorities of the counties and  
21 incorporated cities and towns, with regard to facilities under their  
22 respective jurisdictions, prior to the establishment of any limited  
23 access facility, shall hold a public hearing within the county, city,  
24 or town wherein the limited access facility is to be established to  
25 determine the desirability of the plan proposed by such authority.  
26 Notice of such hearing shall be given to the owners of property  
27 abutting the section of any existing highway, road, or street being  
28 established as a limited access facility, as indicated in the tax rolls  
29 of the county, and in the case of a state limited access facility, to

1 the county and/or city or town. Such notice shall be by United States  
2 mail in writing, setting forth a time for the hearing, which time shall  
3 be not less than fifteen days after mailing of such notice. Notice of  
4 such hearing also shall be given by publication not less than fifteen  
5 days prior to such hearing in one or more newspapers of general  
6 circulation within the county, city, or town. Such notice by  
7 publication shall be deemed sufficient as to any owner or reputed owner  
8 or any unknown owner or owner who cannot be located. Such notice shall  
9 indicate a suitable location where plans for such proposal may be  
10 inspected.

11 **Sec. 40.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read  
12 as follows:

13 Whenever after the final adoption of a plan for a limited access  
14 highway by the (~~transportation commission~~) secretary, an additional  
15 design public hearing with respect to the facility or any portion  
16 thereof is conducted pursuant to federal law resulting in a revision of  
17 the design of the limited access plan, the (~~commission~~) secretary may  
18 modify the previously adopted limited access plan to conform to the  
19 revised design without further public hearings providing the following  
20 conditions are met:

21 (1) As compared with the previously adopted limited access plan,  
22 the revised plan will not require additional or different right of way  
23 with respect to that section of highway for which the design has been  
24 revised, in excess of five percent by area; and

25 (2) If the previously adopted limited access plan was modified by  
26 a board of review convened at the request of a county, city, or town,  
27 the legislative authority of the county, city, or town shall approve  
28 any revisions of the plan which conflict with modifications ordered by  
29 the board of review.

1       **Sec. 41.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read  
2 as follows:

3       (1) Whenever the (~~transportation commission~~) secretary adopts a  
4 plan for a limited access highway to be constructed within the  
5 corporate limits of a city or town which incorporates existing city or  
6 town streets, title to such streets shall remain in the city or town,  
7 and the provisions of RCW 47.24.020 as now or hereafter amended shall  
8 continue to apply to such streets until such time that the highway is  
9 operated as either a partially or fully controlled access highway.  
10 Title to and full control over that portion of the city or town street  
11 incorporated into the limited access highway shall be vested in the  
12 state upon a declaration by the secretary of transportation that such  
13 highway is operational as a limited access facility, but in no event  
14 prior to the acquisition of right of way for such highway including  
15 access rights, and not later than the final completion of construction  
16 of such highway.

17       (2) Upon the completion of construction of a state limited access  
18 highway within a city or town, the department of transportation may  
19 relinquish to the city or town streets constructed or improved as a  
20 functional part of the limited access highway, slope easements,  
21 landscaping areas, and other related improvements to be maintained and  
22 operated by the city or town in accordance with the limited access  
23 plan. Title to such property relinquished to a city or town shall be  
24 conveyed by a deed executed by the secretary of transportation and duly  
25 acknowledged. Relinquishment of such property to the city or town may  
26 be expressly conditioned upon the maintenance of access control  
27 acquired by the state and the continued operation of such property as  
28 a functional part of the limited access highway.

1       **Sec. 42.** RCW 47.56.030 and 1977 ex.s. c 151 s 66 are each amended  
2 to read as follows:

3       The department of transportation shall have full charge of the  
4 construction of all toll bridges and other toll facilities including  
5 the Washington state ferries, and the operation and maintenance  
6 thereof. The (~~(transportation commission)~~) secretary shall determine  
7 and establish the tolls and charges thereon, and shall perform all  
8 duties and exercise all powers relating to the financing, refinancing,  
9 and fiscal management of all toll bridges and other toll facilities  
10 including the Washington state ferries, and bonded indebtedness in the  
11 manner provided by law. The department shall have full charge of  
12 design of all toll facilities. The department shall proceed with the  
13 construction of such toll bridges and other facilities and the  
14 approaches thereto by contract in the manner of state highway  
15 construction immediately upon there being made available funds for such  
16 work and shall prosecute such work to completion as rapidly as  
17 practicable. The department is authorized to negotiate contracts for  
18 any amount without bid in order to make repairs to ferries or ferry  
19 terminal facilities or removal of such facilities whenever continued  
20 use of ferries or ferry terminal facilities constitutes a real or  
21 immediate danger to the traveling public or precludes prudent use of  
22 such ferries or facilities.

23       **Sec. 43.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read  
24 as follows:

25       All powers vested in the toll bridge authority as of September 21,  
26 1977, relating to the acquiring, operating, extending, designing,  
27 constructing, repairing, and maintenance of the Washington state  
28 ferries or any part thereof and the collecting of tolls and charges for  
29 use of its facilities, shall be performed by the department. The

1 ((~~commission~~)) secretary shall determine all fares, tolls, and other  
2 charges for its facilities and shall directly perform all duties and  
3 exercise all powers relating to financing, refinancing, and fiscal  
4 management of the system's bonded indebtedness in the manner provided  
5 by law.

6 **Sec. 44.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended  
7 to read as follows:

8 The department of transportation may(~~(, with the approval of the~~  
9 ~~transportation commission,~~)) provide for the establishment,  
10 construction, and operation of toll tunnels, toll roads, and other  
11 facilities necessary for their construction and connection with public  
12 highways of the state. It may cause surveys to be made to determine  
13 the propriety of their establishment, construction, and operation, and  
14 may acquire rights of way and other facilities necessary to carry out  
15 the provisions hereof; and may issue, sell, and redeem bonds, and  
16 deposit and expend them; secure and remit financial and other  
17 assistance in the construction thereof; carry insurance thereon; and  
18 handle any other matters pertaining thereto, all of which shall be  
19 conducted in the same manner and under the same procedure as provided  
20 for the establishing, constructing, operating, and maintaining of toll  
21 bridges by the department, insofar as reasonably consistent and  
22 applicable. No toll facility, toll bridge, toll road, or toll tunnel,  
23 shall be combined with any other toll facility for the purpose of  
24 financing unless such facilities form a continuous project, to the end  
25 that each such facility or project be self-liquidating and self-  
26 sustaining.

27 **Sec. 45.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended  
28 to read as follows:

1           Whenever in the judgment of the (~~transportation commission~~)  
2 secretary it is considered in the best interest of the public highways  
3 of the state that any new toll bridge or bridges be constructed upon  
4 any public highway and across any stream, body of water, gulch,  
5 navigable water, swamp, or other topographical formation and operated  
6 by the state, the (~~commission~~) secretary shall (~~adopt a resolution~~  
7 ~~declaring~~), with the advice of the commission, determine in writing  
8 that public interest and necessity require the construction of such  
9 toll bridge or bridges and (~~authorizing~~) authorize the issuance of  
10 revenue bonds for the purpose of obtaining funds in an amount not in  
11 excess of that estimated to be required for such construction. The  
12 issuance of bonds as provided in this chapter for the construction of  
13 more than one toll bridge may at the discretion of the (~~commission~~)  
14 secretary be included in the same authority and issue of bonds.

15           **Sec. 46.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read  
16 as follows:

17           Before the department proceeds with any action to secure a right of  
18 way or with construction of any toll bridge under the provisions of  
19 this chapter, the (~~commission~~) secretary shall first (~~pass a~~  
20 ~~resolution~~) determine in writing that public interest and necessity  
21 require the acquisition of right of way for and the construction of the  
22 toll bridge. The (~~resolution~~) determination is conclusive evidence  
23 (1) of the public necessity of such construction; (2) that the property  
24 is necessary therefor; and (3) that the proposed construction is  
25 planned or located in a manner which will be most compatible with the  
26 greatest public good and the least private injury. When it becomes  
27 necessary for the department to condemn any real estate to be used in  
28 connection with any such bridge, the attorney general of the state  
29 shall represent the department. In eminent domain proceedings to

1 acquire property for any of the purposes of this chapter, any toll  
2 bridge, real property, personal property, franchises, rights,  
3 easements, or other property or privileges appurtenant thereto  
4 appropriated or dedicated to a public use or purpose by any person,  
5 firm, private, public, or municipal corporation, county, city, town,  
6 district, or any political subdivision of the state, may be condemned  
7 and taken, and the acquisition and use as provided in this chapter for  
8 the same public use or purpose to which the property has been so  
9 appropriated or dedicated, or for any other public use or purpose, is  
10 a superior and permanent right and necessity, and a more necessary use  
11 and purpose than the public use or purpose to which the property has  
12 already been appropriated or dedicated. It is not necessary in any  
13 eminent domain proceedings under this chapter to plead or prove any  
14 acts or proceedings preliminary or prior to the adoption of the  
15 resolution hereinbefore referred to describing the property sought to  
16 be taken and directing such proceedings.

17 **Sec. 47.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended  
18 to read as follows:

19 (~~In the event that the transportation commission should~~) If the  
20 secretary determines that any toll bridge should be constructed, all  
21 cost thereof including right of way, survey, and engineering shall be  
22 paid out of any funds available for payment of the cost of such toll  
23 bridge under this chapter.

24 **Sec. 48.** RCW 47.56.240 and 1984 c 7 s 265 are each amended to read  
25 as follows:

26 The (~~commission is hereby empowered to~~) secretary may fix the  
27 rates of toll and other charges for all toll bridges built under the  
28 terms of this chapter. Toll charges so fixed may be changed from time

1 to time as conditions warrant. The (~~commission~~) secretary, in  
2 establishing toll charges, shall give due consideration to the cost of  
3 operating and maintaining such toll bridge or toll bridges including  
4 the cost of insurance, and to the amount required annually to meet the  
5 redemption of bonds and interest payments on them. The tolls and  
6 charges shall be at all times fixed at rates to yield annual revenue  
7 equal to annual operating and maintenance expenses including insurance  
8 costs and all redemption payments and interest charges of the bonds  
9 issued for any particular toll bridge or toll bridges as the bonds  
10 become due. The bond redemption and interest payments constitute a  
11 first direct and exclusive charge and lien on all such tolls and other  
12 revenues and interest thereon. Sinking funds created therefrom  
13 received from the use and operation of the toll bridge or toll bridges,  
14 and such tolls and revenues together with the interest earned thereon  
15 shall constitute a trust fund for the security and payment of such  
16 bonds and shall not be used or pledged for any other purpose as long as  
17 any of these bonds are outstanding and unpaid.

18 **Sec. 49.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended  
19 to read as follows:

20 Whenever a proposed toll bridge, toll road, toll tunnel, or any  
21 other toll facility of any sort is to be constructed, any city, county,  
22 or other political subdivision located in relation to such facility so  
23 as to benefit directly or indirectly thereby, may, either jointly or  
24 separately, at the request of the (~~transportation commission~~)  
25 secretary, advance or contribute money, or bonds, rights of way, labor,  
26 materials, and other property toward the expense of building the toll  
27 facility, and for preliminary surveys and the preparation of plans and  
28 estimates of cost therefor and other preliminary expenses. Any such  
29 city, county, or other political subdivision may, either jointly or

1 separately, at the request of the (~~transportation commission~~)  
2 secretary, advance or contribute money or bonds for the purpose of  
3 guaranteeing the payment of interest or principal on the bonds issued  
4 by the (~~commission~~) secretary to finance the toll facility.  
5 Appropriations for such purposes may be made from any funds available,  
6 including county road funds received from or credited by the state, or  
7 funds obtained by excess tax levies made pursuant to law or the  
8 issuance of general obligation bonds for this purpose. General  
9 obligation bonds issued by a city, county, or political subdivision may  
10 with the consent of the (~~commission~~) secretary be placed with the  
11 department of transportation to be sold by the department to provide  
12 funds for such purpose. Money, or bonds, or property so advanced or  
13 contributed may be immediately transferred or delivered to the  
14 department to be used for the purpose for which contribution was made.  
15 The (~~commission~~) secretary may enter into an agreement with a city,  
16 county, or other political subdivision to repay any money, or bonds or  
17 the value of a right of way, labor, materials, or other property so  
18 advanced or contributed. The (~~commission~~) secretary may make such  
19 repayment to a city, county, or other political subdivision and  
20 reimburse the state for any expenditures made by it in connection with  
21 the toll facility out of tolls and other revenues for the use of the  
22 toll facility.

23 **Sec. 50.** RCW 47.56.380 and 1984 c 7 s 278 are each amended to read  
24 as follows:

25 The department is authorized to study and if feasible, after  
26 approval by the (~~transportation commission~~) secretary, to locate,  
27 construct, finance, and operate as a toll road, until paid for, an  
28 express highway from the vicinity of Tacoma through Seattle to the

1 vicinity of Everett. Right of way shall be acquired as a limited  
2 access facility.

3 **Sec. 51.** RCW 47.56.741 and 1979 ex.s. c 212 s 2 are each amended  
4 to read as follows:

5 If the (~~transportation commission~~) secretary concludes that  
6 construction of a toll bridge across the Columbia river at North  
7 Richland in the vicinity of the Horn Rapids Road, including approaches,  
8 is economically feasible, the department is authorized to enter into  
9 agreements with Richland, Benton county, and Franklin county in  
10 accordance with RCW 47.56.742.

11 **Sec. 52.** RCW 47.56.742 and 1981 c 327 s 2 are each amended to read  
12 as follows:

13 The (~~transportation commission~~) secretary shall not request the  
14 issuance of any bonds for the construction of the toll bridge and its  
15 approaches unless and until:

16 (1) Either Richland or Benton county separately or Richland and  
17 Benton county jointly agree with the department to maintain to  
18 standards prescribed by the department the westerly approach from the  
19 bridge to state route number 240 including sections of Horn Rapids Road  
20 so long as any bonds issued to pay for the construction of the toll  
21 bridge and its approaches remain outstanding.

22 (2) Franklin county shall agree with the department to maintain to  
23 standards prescribed by the department the easterly approach from the  
24 bridge to state route number 395 and the approach from the easterly  
25 approach road southerly to state route number 182 so long as any bonds  
26 issued to pay for the construction of the toll bridge and its  
27 approaches remain outstanding.

1       **Sec. 53.** RCW 47.56.743 and 1979 ex.s. c 212 s 4 are each amended  
2 to read as follows:

3       The (~~transportation commission~~) secretary shall not request the  
4 issuance of any bonds for the construction of the toll bridge and its  
5 approaches until Benton and Franklin counties and Richland have adopted  
6 specific and acceptable plans to assure the funding of their respective  
7 obligations as established by the agreements authorized in RCW  
8 47.56.742.

9       **Sec. 54.** RCW 47.56.745 and 1981 c 327 s 3 are each amended to read  
10 as follows:

11       In order to provide funds for the construction of such bridge and  
12 approaches thereto, including but not limited to all costs of survey,  
13 acquisition of rights of way, design, engineering, and to pay the  
14 interest on the bonds when due during construction and for a period not  
15 exceeding six months after the bridge is open to traffic, there shall  
16 be issued and sold general obligation bonds of the state of Washington  
17 in the principal amount of not to exceed eighty million dollars or such  
18 lesser amount thereof, at such times as may be determined to be  
19 necessary by the department of transportation. At the request of the  
20 (~~transportation commission~~) secretary, the state finance committee  
21 may issue additional general obligation bonds of the state of  
22 Washington ranking on a parity with the bonds authorized hereinabove  
23 and subject to the provisions of RCW 47.56.740 through 47.56.756 (~~as~~  
24 ~~now amended~~), to pay the cost of further improving the approaches to  
25 the bridge or adding additional bridge lanes or constructing a parallel  
26 bridge: PROVIDED, That such additional bonds shall not be issued  
27 without further express authorization of the legislature.

1       **Sec. 55.** RCW 47.58.030 and 1984 c 7 s 290 are each amended to read  
2 as follows:

3       The secretary shall have full charge of the construction of all  
4 such improvements and reconstruction work and the construction of any  
5 additional bridge, including approaches and connecting highways, that  
6 may be authorized under this chapter and the operation of such bridge  
7 or bridges, as well as the collection of tolls and other charges for  
8 services and facilities thereby afforded. The schedule of charges for  
9 the services and facilities shall be fixed and revised from time to  
10 time by the ((~~commission~~)) secretary so that the tolls and revenues  
11 collected will yield annual revenue and income sufficient, after  
12 payment or allowance for all operating, maintenance, and repair  
13 expenses, to pay the interest on all revenue bonds outstanding under  
14 the provisions of this chapter for account of the project and to create  
15 a sinking fund for the retirement of the revenue bonds at or prior to  
16 maturity. The charges shall be continued until all such bonds and  
17 interest thereon and unpaid advancements, if any, have been paid.

18       **Sec. 56.** RCW 47.60.150 and 1990 c 42 s 405 are each amended to  
19 read as follows:

20       Subject to the provisions of RCW 47.60.326, the schedule of charges  
21 for the services and facilities of the system shall be fixed and  
22 revised from time to time by the ((~~commission~~)) secretary so that the  
23 tolls and revenues collected together with any moneys in the Puget  
24 Sound ferry operations account transferred to the ferry system  
25 revolving account for maintenance and operation, and all moneys in the  
26 Puget Sound capital construction account available for debt service  
27 will yield annual revenue and income sufficient, after allowance for  
28 all operating, maintenance, and repair expenses to pay the interest and  
29 principal and sinking fund charges for all outstanding revenue bonds,

1 and to create and maintain a fund for ordinary renewals and  
2 replacements: PROVIDED, That if provision is made by any resolution  
3 for the issuance of revenue bonds for the creation and maintenance of  
4 a special fund for rehabilitating, rebuilding, enlarging, or improving  
5 all or any part of the ferry system then such schedule of tolls and  
6 rates of charges shall be fixed and revised so that the revenue and  
7 income will also be sufficient to comply with such provision.

8 All income and revenues as collected shall be paid to the state  
9 treasurer for the account of the department as a separate trust fund  
10 and to be segregated and disbursed upon order of the department:  
11 PROVIDED, That the fund so segregated and set apart for the payment of  
12 the revenue bonds may be remitted to and held by a designated trustee  
13 in such manner and with such collateral as may be provided in the  
14 resolution authorizing the issuance of said bonds. No expenditure may  
15 be made from the revenue fund established under this section and the  
16 bond resolution without an appropriation by law. Nothing in this  
17 section requires tolls on the Hood Canal bridge except as may be  
18 required by any bond covenants.

19 **Sec. 57.** RCW 47.60.326 and 1990 c 42 s 406 are each amended to  
20 read as follows:

21 (1) In order to maintain an adequate, fair, and economically sound  
22 schedule of charges for the transportation of passengers, vehicles, and  
23 commodities on the Washington state ferries, the department of  
24 transportation each year shall conduct a full review of such charges.

25 (2) ~~((Prior to))~~ Before February 1st of each odd-numbered year the  
26 department shall ~~((transmit to the transportation commission a report~~  
27 ~~of—its))~~ make a review ~~((together—with))~~ and formulate its  
28 recommendations for the revision of a schedule of charges for the  
29 ensuing biennium. The ~~((commission))~~ secretary on or before July 1st

1 of that year shall adopt as a rule, in the manner provided by the  
2 Washington administrative procedure act, a schedule of charges for the  
3 Washington state ferries for the ensuing biennium commencing July 1st.  
4 The schedule may initially be adopted as an emergency rule if necessary  
5 to take effect on, or as near as possible to, July 1st.

6 (3) The department in making its review and formulating  
7 recommendations and the (~~commission~~) secretary in adopting a schedule  
8 of charges may consider any of the following factors:

9 (a) The amount of subsidy available to the ferry system for  
10 maintenance and operation;

11 (b) The time and distance of ferry runs;

12 (c) The maintenance and operation costs for ferry runs with a  
13 proper adjustment for higher costs of operating outmoded or less  
14 efficient equipment;

15 (d) The efficient distribution of traffic between cross-sound  
16 routes;

17 (e) The desirability of reasonable commutation rates for persons  
18 using the ferry system to commute daily to work;

19 (f) The effect of proposed fares in increasing walk-on and  
20 vehicular passenger use;

21 (g) The effect of proposed fares in promoting all types of ferry  
22 use during nonpeak periods;

23 (h) Such other factors as prudent managers of a major ferry system  
24 would consider.

25 (4) If at any time during the biennium it appears that projected  
26 toll revenues from the ferry system, together with the transfer from  
27 the Puget Sound ferry operations account to the ferry system revolving  
28 account and any other operating subsidy available to the Washington  
29 state ferries, will be less than the projected total cost of  
30 maintenance and operation of the Washington state ferries for the

1 biennium, the department shall forthwith undertake a review of its  
2 schedule of charges to ascertain whether or not the schedule of charges  
3 should be revised. The (~~department shall, upon completion of its~~  
4 ~~review report, submit its recommendation to the transportation~~  
5 ~~commission which may in its sound discretion~~) secretary may revise the  
6 schedule of charges as required to meet necessary maintenance and  
7 operation expenditures of the ferry system for the biennium or may  
8 defer action until the regular annual review and revision of ferry  
9 charges as provided in subsection (2) of this section.

10 (5) The provisions of RCW 47.60.330 relating to public  
11 participation shall apply to the process of revising ferry tolls under  
12 this section.

13 **Sec. 58.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read  
14 as follows:

15 (1) Before a substantial expansion or curtailment in the level of  
16 service provided to ferry users, or a revision in the schedule of ferry  
17 tolls or charges, the department of transportation shall consult with  
18 affected ferry users. The consultation shall be: (a) By public  
19 hearing in affected local communities; (b) by review with the affected  
20 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting  
21 a survey of affected ferry users; or (d) by any combination of (a)  
22 through (c) of this subsection.

23 (2) There is created a ferry system productivity council consisting  
24 of a representative of each ferry advisory committee empanelled under  
25 RCW 47.60.310, elected by the members thereof, and two representatives  
26 of employees of the ferry system appointed by mutual agreement of all  
27 of the unions representing ferry employees, which shall meet from time  
28 to time with ferry system management to discuss means of improving  
29 ferry system productivity.

1 (3) Before increasing ferry tolls the department of transportation  
2 shall consider all possible cost reductions with full public  
3 participation as provided in subsection (1) of this section and,  
4 consistent with public policy, shall consider adapting service levels  
5 equitably on a route-by-route basis to reflect trends in and forecasts  
6 of traffic usage. Forecasts of traffic levels shall be developed by  
7 the bond covenant traffic engineering firm appointed under the  
8 provisions of RCW 47.60.450. Provisions of this section shall not  
9 alter obligations under RCW 47.60.450. Before including any toll  
10 increase in a budget proposal by the ((~~commission~~)) secretary, the  
11 department of transportation shall consult with affected ferry users in  
12 the manner prescribed in subsection (1)(b) of this section plus the  
13 procedure of either subsection (1) (a) or (c) of this section.

14 **Sec. 59.** RCW 47.60.440 and 1990 c 42 s 408 are each amended to  
15 read as follows:

16 The Washington state ferry system shall be efficiently managed,  
17 operated, and maintained as a revenue-producing undertaking. Subject  
18 to the provisions of RCW 47.60.326 the ((~~commission~~)) secretary shall  
19 maintain and revise from time to time as necessary a schedule of tolls  
20 and charges on said ferry system and, if necessary to comply with bond  
21 covenants, on the Hood Canal bridge which together with any moneys in  
22 the Puget Sound ferry operations account transferred to the ferry  
23 system revolving account for maintenance and operation and all moneys  
24 in the Puget Sound capital construction account available for debt  
25 service will produce net revenue available for debt service, in each  
26 fiscal year, in an amount at least equal to minimum annual debt service  
27 requirements as hereinafter provided. Minimum annual debt service  
28 requirements as used in this section shall include required payments of  
29 principal and interest, sinking fund requirements, and payments into

1 reserves on all outstanding revenue bonds authorized by RCW 47.60.400  
2 through 47.60.470.

3 The provisions of law relating to the revision of tolls and charges  
4 to meet minimum annual debt service requirements from net revenues as  
5 required by this section shall be binding upon the ((~~commission~~))  
6 secretary but shall not be deemed to constitute a contract to that  
7 effect for the benefit of the holders of such bonds.

8 **Sec. 60.** RCW 47.60.450 and 1986 c 66 s 7 are each amended to read  
9 as follows:

10 If the net revenue together with all moneys in the Puget Sound  
11 capital construction account available for debt service in any fiscal  
12 year fail to meet minimum annual debt service for the year, as defined  
13 in RCW 47.60.440, the ((~~commission~~)) secretary shall promptly revise  
14 the tolls and charges after considering supporting data and  
15 recommendations therefor which shall be furnished by a nationally  
16 recognized traffic engineering firm retained by the ((~~commission~~))  
17 secretary in the manner provided in the bond proceedings.

18 Tolls and charges shall not be increased in any case when in the  
19 opinion of the engineering firm the increase would so reduce traffic  
20 that no net gain in revenue would result. This section is a covenant  
21 for the benefit of the holders of the bonds.

22 **Sec. 61.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read  
23 as follows:

24 As used in this chapter, unless the context otherwise requires, the  
25 definitions in this section shall apply.

26 (1) "Arbitration" means the procedure whereby the parties involved  
27 in an impasse submit their differences to a third party for a final and  
28 binding decision or as provided in this chapter.

1 (2) "Arbitrator" means either a single arbitrator or a panel of  
2 three arbitrators as provided in RCW 47.64.240.

3 (3) "Collective bargaining representative" means the persons  
4 designated by the secretary of transportation and employee  
5 organizations to be the exclusive representatives during collective  
6 bargaining negotiations.

7 (4) "Department of transportation" means the department as defined  
8 in RCW 47.01.021.

9 (5) "Ferry employee" means any employee of the marine  
10 transportation division of the department of transportation who is a  
11 member of a collective bargaining unit represented by a ferry employee  
12 organization and does not include an exempt employee pursuant to RCW  
13 41.06.079.

14 (6) "Ferry employee organization" means any labor organization  
15 recognized to represent a collective bargaining unit of ferry  
16 employees.

17 (7) "Ferry system management" means those management personnel of  
18 the marine transportation division of the department of transportation  
19 who have been vested with the day-to-day management responsibilities of  
20 the Washington state ferry system by the (~~transportation commission~~)  
21 secretary and who are not members of a collective bargaining unit  
22 represented by a ferry employee organization.

23 (8) "Lockout" means the refusal of ferry system management to  
24 furnish work to ferry employees in an effort to get ferry employee  
25 organizations to make concessions during collective bargaining,  
26 grievance, or other labor relation negotiations. Curtailment of  
27 employment of ferry employees due to lack of work resulting from a  
28 strike or work stoppage, as defined in subsection (11) of this section,  
29 shall not be considered a lockout.

1 (9) "Marine employees' commission" means the commission created in  
2 RCW 47.64.280.

3 (10) "Office of financial management" means the office as created  
4 in RCW 43.41.050.

5 (11) "Strike or work stoppage" means a ferry employee's refusal, in  
6 concerted action with others, to report to duty, or his or her willful  
7 absence from his or her position, or his or her stoppage or slowdown of  
8 work, or his or her abstinence in whole or in part from the full,  
9 faithful, and proper performance of the duties of employment, for the  
10 purpose of inducing, influencing, or coercing a change in conditions,  
11 compensation, rights, privileges, or obligations of his, her, or any  
12 other ferry employee's employment. A refusal, in good faith, to work  
13 under conditions which pose an endangerment to the health and safety of  
14 ferry employees or the public, as determined by the master of the  
15 vessel, shall not be considered a strike for the purposes of this  
16 chapter.

17 (~~(12) "Transportation commission" means the commission as defined~~  
18 ~~in RCW 47.01.021.~~)

19 **Sec. 62.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read  
20 as follows:

21 (1) Any ferry employee organization certified as the bargaining  
22 representative shall be the exclusive representative of all ferry  
23 employees in the bargaining unit and shall represent all such employees  
24 fairly.

25 (2) A ferry employee organization or organizations and the  
26 secretary of transportation may each designate any individual as its  
27 representative to engage in collective bargaining negotiations.

28 (3) Negotiating sessions, including strategy meetings of ferry  
29 system management or employee organizations, mediation, and the

1 deliberative process of arbitrators are exempt from the provisions of  
2 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to  
3 the public by mutual consent of the parties. (~~Any meeting of the~~  
4 ~~transportation commission, during which a collective bargaining~~  
5 ~~agreement is subject to ratification, shall be open to the public.~~)

6 (4) Terms of any collective bargaining agreement may be enforced by  
7 civil action in Thurston county superior court upon the initiative of  
8 either party.

9 (5) Ferry system employees or any employee organization shall not  
10 negotiate or attempt to negotiate directly with (~~a member of the~~  
11 ~~transportation commission if the commission~~) the secretary of  
12 transportation if the secretary has appointed or authorized a  
13 bargaining representative for the purpose of bargaining with the ferry  
14 employees or their representative(~~, unless the member of the~~  
15 ~~commission is the designated bargaining representative of the ferry~~  
16 ~~system~~)).

17 (6) The negotiation of a proposed collective bargaining agreement  
18 by representatives of ferry system management and a ferry employee  
19 organization shall commence in each odd-numbered year immediately  
20 following adoption by the legislature and approval by the governor of  
21 the biennial budget.

22 (7) Until a new collective bargaining agreement is negotiated, or  
23 until an award is made by the arbitrator, the terms and conditions of  
24 the previous collective bargaining agreement shall remain in force.  
25 The wage and benefit provisions of any collective bargaining agreement,  
26 or arbitrator's award in lieu thereof, that is concluded after July 1st  
27 of an odd-numbered year shall be retroactive to July 1st. It is the  
28 intent of this section that the collective bargaining agreement or  
29 arbitrator's award shall commence on July 1st of each odd-numbered year  
30 and shall terminate on June 30th of the next odd-numbered year to

1 coincide with the ensuing biennial budget year, as defined by RCW  
2 43.88.020(7), to the extent practical.

3 (8) Any ferry union contract terminating before July 1, 1983,  
4 shall, with the agreement of the parties, remain in effect until a  
5 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120  
6 through 47.64.280. The contract may be retroactive to the expiration  
7 date of the prior contract, and the cost to the department of three  
8 months retroactive compensation and benefits for this 1983 contract  
9 negotiation only shall not be included in calculating the limitation  
10 imposed by RCW 47.64.180. If the parties cannot agree to contract  
11 extension, any increase agreed to for the three-month period shall be  
12 included in calculating the limit imposed by RCW 47.64.180.

13 (9) Any ferry union contract which would terminate after July 1,  
14 1983, may, by agreement of the parties, be terminated as of July 1,  
15 1983, and a new contract concluded pursuant to RCW 47.64.006,  
16 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating  
17 after July 1, 1983, is subject to this chapter only upon its expiration  
18 and shall not be renewed for a period beyond July 1, 1985.

19 **Sec. 63.** RCW 47.64.180 and 1983 c 15 s 9 are each amended to read  
20 as follows:

21 (1) No collective bargaining agreement or arbitrator's award is  
22 valid or enforceable if its implementation would be inconsistent with  
23 any statutory limitation on the department of transportation's funds,  
24 spending, or budget. The department of transportation shall, in good  
25 faith, exercise its administrative discretion with full public  
26 participation as required by RCW 47.60.330, subject only to legislative  
27 limitations and conditions, to implement the terms of any collective  
28 bargaining agreement or arbitrator's award.

1           (2) In no event may the (~~transportation commission or the~~  
2 ~~department of transportation~~) secretary authorize an increase in tolls  
3 after the enactment of the budget that is in excess of the Seattle  
4 consumer price index for the preceding twelve months for the purpose of  
5 providing revenue to fund a collective bargaining agreement or  
6 arbitrator's award. The (~~commission or the department~~) secretary  
7 may increase tolls after the first fiscal year of the biennium by the  
8 amount that the Seattle consumer price index increased after the  
9 previous toll increase. This subsection shall not be construed to  
10 prevent increases due to items that are not labor-related and that are  
11 beyond the direct control of the department.

12           **Sec. 64.** RCW 48.62.070 and 1988 c 281 s 4 are each amended to read  
13 as follows:

14           The assets of any organization of local governmental entities that  
15 is organized under RCW 48.62.040 or 48.62.035 which is established for  
16 the purpose of jointly self-funding or self-insuring may, pursuant to  
17 RCW 48.62.080, be invested only in the following classes of securities  
18 and investments:

19           (1) Savings or time accounts in banks, trust companies, and mutual  
20 savings banks which are doing business in this state, up to the amount  
21 of insurance afforded such accounts by the federal deposit insurance  
22 corporation;

23           (2) Accounts in savings and loan associations which are doing  
24 business in this state, up to the amount of insurance afforded such  
25 accounts by the federal savings and loan insurance corporation;

26           (3) Investment deposits in banks, trust companies, mutual savings  
27 banks, and savings and loan associations, which are doing business in  
28 this state, available for investment and secured by collateral in  
29 accordance with the provisions of chapter 39.58 RCW;

1 (4) Certificates, notes, bonds, or other obligations or securities  
2 of the United States or any of its agencies, or of any corporation  
3 wholly owned by the government of the United States;

4 (5) Federal home loan bank notes and bonds, federal land bank  
5 bonds, and federal national mortgage association notes, debentures, and  
6 guaranteed certificates of participation, or the obligations of any  
7 other government-sponsored corporation whose obligations are or may  
8 become eligible as collateral for advances to member banks as  
9 determined by the board of governors of the federal reserve system;

10 (6) Direct and general obligation bonds and warrants of the state  
11 of Washington or any other state of the United States;

12 (7) Direct and general obligation bonds and warrants of any local  
13 governmental entity of this state having the power to levy general  
14 taxes which are payable from general ad valorem taxes;

15 (8) Revenue bonds of this state or any authority, board,  
16 commission, committee, or similar agency thereof;

17 (9) Motor vehicle fund warrants when authorized by agreement  
18 between the state finance committee and the (~~state transportation~~  
19 ~~commission~~) secretary of transportation requiring repayment of  
20 invested funds from any moneys in the motor vehicle fund available for  
21 state highway construction;

22 (10) Bonds, securities, and obligations which are designated to be  
23 authorized security for all public deposits pursuant to RCW 35.58.510,  
24 35.81.110, 35.82.220, 39.60.030, 39.60.040, and 54.24.120; and

25 (11) Investments permitted by RCW 39.59.020.

26 NEW SECTION. **Sec. 65.** This act shall not be construed as  
27 affecting any existing right acquired or liability or obligation  
28 incurred under the sections amended in this act or under any rule,  
29 regulation, or order adopted under those sections, nor as affecting any

1 proceeding instituted under those sections. All rules and all pending  
2 business before the transportation commission shall be continued and  
3 acted upon by the secretary of transportation. All existing contracts  
4 and obligations shall remain in full force and shall be performed by  
5 the secretary of transportation.