
HOUSE BILL 1135

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Haugen, Wilson, R. Fisher, G. Fisher, Prince, Ferguson, Spanel, Hine, Tate, Hargrove, Dorn, Wood, Jones, Zellinsky, Brough, Bray, Ludwig, Rayburn and Betrozoff.

Read first time January 21, 1991. Referred to Committee on Local Government. Referred 1/23/91 to Transportation.

1 AN ACT Relating to responsibility for city streets; and amending
2 RCW 47.24.020.

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

4 **Sec. 1.** RCW 47.24.020 and 1987 c 68 s 1 are each amended to read
5 as follows:

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

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

12 (2) The city or town shall exercise full responsibility for and
13 control over any such street beyond the curbs and if no curb is
14 installed, beyond that portion of the highway used for highway
15 purposes. However, within incorporated cities and towns the title to

1 a state limited access highway vests in the state, and, notwithstanding
2 any other provision of this section, the department shall exercise full
3 jurisdiction, responsibility, and control to and over such facility as
4 provided in chapter 47.52 RCW;

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

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

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

17 (6) The city or town at its own expense shall provide street
18 illumination and shall clean all such streets, including storm sewer
19 inlets and catch basins, and remove all snow, except that the state
20 shall when necessary plow the snow on the roadway. In cities and towns
21 having a population of ((fifteen)) twenty-five thousand or less
22 according to the latest determination of population by the office of
23 financial management, the state, when necessary for public safety,
24 shall assume, at its expense, responsibility for the stability of the
25 slopes of cuts and fills and the embankments within the right of way to
26 protect the roadway itself. The state shall install, maintain, and
27 operate all illuminating facilities on any limited access facility,
28 together with its interchanges, located within the corporate limits of
29 any city or town, and shall assume and pay the costs of all such

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

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

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

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

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

27 (11) Cities and towns shall regulate and enforce all traffic and
28 parking restrictions on such streets, but all regulations adopted by a
29 city or town relating to speed, parking, and traffic control devices on
30 such streets not identical to state law relating thereto are subject to

1 the approval of the department before becoming effective. All
2 regulations pertaining to speed, parking, and traffic control devices
3 relating to such streets heretofore adopted by a city or town not
4 identical with state laws shall become null and void unless approved by
5 the department heretofore or within one year after March 21, 1963;

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

9 (13) The department shall install, operate, maintain, and control
10 at state expense all traffic control signals, signs, and traffic
11 control devices for the purpose of regulating both pedestrian and motor
12 vehicular traffic on, entering upon, or leaving state highways in
13 cities and towns having a population of (~~fifteen~~) thirty-five
14 thousand or less according to the latest determination of population by
15 the office of financial management. Such cities and towns may submit
16 to the department a plan for traffic control signals, signs, and
17 traffic control devices desired by them, indicating the location,
18 nature of installation, or type thereof, or a proposed amendment to
19 such an existing plan or installation, and the department shall consult
20 with the cities or towns concerning the plan before installing such
21 signals, signs, or devices. Cities and towns having a population in
22 excess of (~~fifteen~~) thirty-five thousand according to the latest
23 determination of population by the office of financial management shall
24 install, maintain, operate, and control such signals, signs, and
25 devices at their own expense, subject to approval of the department for
26 the installation and type only. For the purpose of this subsection,
27 striping, lane marking, and channelization are considered traffic
28 control devices;

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

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

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