
ENGROSSED SENATE BILL 6628

State of Washington 55th Legislature 1998 Regular Session

By Senators Benton, Finkbeiner, Anderson, Zarelli and Schow

Read first time 01/23/98. Referred to Committee on Transportation.

1 AN ACT Relating to the state-owned facilities component of the
2 state-wide transportation plan and intercity passenger rail; and
3 amending RCW 47.06.050, 47.06.090, 47.50.010, 47.50.040, and 47.50.080.

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

5 **Sec. 1.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read
6 as follows:

7 The state-owned facilities component of the state-wide
8 transportation plan shall identify the most cost-effective combination
9 of highway, ferry, passenger rail, and high-capacity transportation
10 improvements that maximizes the efficient movement of people, freight,
11 and goods within state transportation corridors and will consist of:

12 (1) The state highway system plan, which identifies program and
13 financing needs and recommends specific and financially realistic
14 improvements to preserve the structural integrity of the state highway
15 system, ensure acceptable operating conditions, and provide for
16 enhanced access to scenic, recreational, and cultural resources. The
17 state highway system plan shall contain the following elements:

18 (a) A system preservation element, which shall establish structural
19 preservation objectives for the state highway system including bridges,

1 identify current and future structural deficiencies based upon analysis
2 of current conditions and projected future deterioration, and recommend
3 program funding levels and specific actions necessary to preserve the
4 structural integrity of the state highway system consistent with
5 adopted objectives. This element shall serve as the basis for the
6 preservation component of the six-year highway program and the two-year
7 biennial budget request to the legislature;

8 (b) A capacity and operational improvement element, which shall
9 establish operational objectives, including safety considerations, for
10 moving people and goods on the state highway system, identify current
11 and future capacity, operational, and safety deficiencies, and
12 recommend program funding levels and specific improvements and
13 strategies necessary to achieve the operational objectives. In
14 developing capacity and operational improvement plans the department
15 shall first assess strategies to enhance the operational efficiency of
16 the existing system before recommending system expansion. Strategies
17 to enhance the operational efficiencies include but are not limited to
18 access management, transportation system management, demand management,
19 and high-occupancy vehicle facilities. The capacity and operational
20 improvement element must conform to the state implementation plan for
21 air quality and be consistent with regional transportation plans
22 adopted under chapter 47.80 RCW, and shall serve as the basis for the
23 capacity and operational improvement portions of the six-year highway
24 program and the two-year biennial budget request to the legislature;

25 (c) A scenic and recreational highways element, which shall
26 identify and recommend designation of scenic and recreational highways,
27 provide for enhanced access to scenic, recreational, and cultural
28 resources associated with designated routes, and recommend a variety of
29 management strategies to protect, preserve, and enhance these
30 resources. The department, affected counties, cities, and towns,
31 regional transportation planning organizations, and other state or
32 federal agencies shall jointly develop this element;

33 (d) A paths and trails element, which shall identify the needs of
34 nonmotorized transportation modes on the state transportation systems
35 and provide the basis for the investment of state transportation funds
36 in paths and trails, including funding provided under chapter 47.30
37 RCW.

38 (2) The state ferry system plan, which shall guide capital and
39 operating investments in the state ferry system. The plan shall

1 establish service objectives for state ferry routes, forecast travel
2 demand for the various markets served in the system, and develop
3 strategies for ferry system investment that consider regional and
4 state-wide vehicle and passenger needs, support local land use plans,
5 and assure that ferry services are fully integrated with other
6 transportation services. The plan shall assess the role of private
7 ferries operating under the authority of the utilities and
8 transportation commission and shall coordinate ferry system capital and
9 operational plans with these private operations. The ferry system plan
10 must be consistent with the regional transportation plans for areas
11 served by the state ferry system, and shall be developed in conjunction
12 with the ferry advisory committees.

13 **Sec. 2.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to read
14 as follows:

15 The state-interest component of the state-wide multimodal
16 transportation plan shall include an intercity passenger rail plan,
17 which shall analyze existing intercity passenger rail service and
18 recommend improvements to that service under the state passenger rail
19 service program including depot improvements, potential service
20 extensions, and ways to achieve higher train speeds. The plan must
21 include:

22 (1) A service preservation element that outlines the trackage,
23 depots, and train investments needed to maintain established service
24 levels; and

25 (2) A service improvement element that establishes service
26 improvement objectives and outlines the trackage, depot, and train
27 investments needed to meet improvement service objectives.

28 **Sec. 3.** RCW 47.50.010 and 1991 c 202 s 1 are each amended to read
29 as follows:

30 (1) The legislature finds that:

31 (a) Regulation of access to the state highway system is necessary
32 in order to protect the public health, safety, and welfare, to preserve
33 the functional integrity of the state highway system, and to promote
34 the safe and efficient movement of people and goods within the state;

35 (b) The development of an access management program, in accordance
36 with this chapter, which coordinates land use planning decisions by
37 local governments and investments in the state highway system, will

1 serve to control the proliferation of connections and other access
2 approaches to and from the state highway system. Without such a
3 program, the health, safety, and welfare of the residents of this state
4 are at risk, due to the fact that uncontrolled access to the state
5 highway system is a significant contributing factor to the congestion
6 and functional deterioration of the system; and

7 (c) The development of an access management program in accordance
8 with this chapter will enhance the development of an effective
9 transportation system and increase the traffic-carrying capacity of the
10 state highway system and thereby reduce the incidences of traffic
11 accidents, personal injury, and property damage or loss; mitigate
12 environmental degradation; promote sound economic growth and the growth
13 management goals of the state; reduce highway maintenance costs and the
14 necessity for costly traffic operations measures; lengthen the
15 effective life of transportation facilities in the state, thus
16 preserving the public investment in such facilities; and shorten
17 response time for emergency vehicles.

18 (2) In furtherance of these findings, all state highways are hereby
19 declared to be controlled access facilities as defined in RCW
20 47.50.020, except those highways that are defined as limited access
21 facilities in chapter 47.52 RCW.

22 (3) It is the policy of the legislature that:

23 (a) The access rights of an owner of property abutting the state
24 highway system (~~((are subordinate to))~~) should be fairly considered with
25 the public's right and interest in a safe and efficient highway system;
26 (~~((and))~~)

27 (b) Every owner of property which abuts a state highway has a right
28 to reasonable access to that highway, unless such access has been
29 acquired pursuant to chapter 47.52 RCW, but may not have the right of
30 a particular means of access. The right of access to the state highway
31 may be restricted under RCW 47.50.080 if, pursuant to local regulation,
32 reasonable access can be provided to another public road which abuts
33 the property; and

34 (c) Every property owner who has access to the state highway must
35 be notified of proposed changes to the access.

36 (4) The legislature declares that it is the purpose of this chapter
37 to provide a coordinated planning process for the permitting of access
38 points on the state highway system to effectuate the findings and
39 policies under this section. This coordinated planning process must

1 include a public involvement process that includes abutting property
2 owners, business owners, and emergency services that may require access
3 to the affected property. The public involvement process must provide
4 the affected ownership with standards and principles of access
5 management. The public involvement process that addresses access
6 management standards and principles may include, but is not limited to,
7 public notices, public meetings, public hearings, written notification,
8 and individual meetings with the affected ownership.

9 (5) Nothing in this chapter shall affect the right to full
10 compensation under section 16, Article I of the state Constitution.

11 **Sec. 4.** RCW 47.50.040 and 1991 c 202 s 4 are each amended to read
12 as follows:

13 (1) No connection to a state highway shall be constructed or
14 altered without obtaining an access permit in accordance with this
15 chapter in advance of such action. A permitting authority has the
16 authority to deny access to the state highway system at the location
17 specified in the permit until the permittee constructs or alters the
18 connection in accordance with the permit requirements.

19 ~~(2) ((The cost of construction or alteration of a connection shall~~
20 ~~be borne by the permittee, except for alterations which are not~~
21 ~~required by law or administrative rule, but are made at the request of~~
22 ~~and for the convenience of the permitting authority. The permittee,~~
23 ~~however, shall bear the cost of alteration of any connection which is~~
24 ~~required by the permitting authority due to increased or altered~~
25 ~~traffic flows generated by changes in the permittee's facilities or~~
26 ~~nature of business conducted at the location specified in the permit.))~~

27 The permittee shall bear the cost of construction or alteration of a
28 connection, including alterations required by increased or altered
29 traffic flows generated by the nature of business conducted at the
30 location specified in the permit, except for alterations that are not
31 required by law or administrative rule, but are made at the request of
32 and the convenience of the permitting authority, or that are required
33 by the permitting authority due to increased or altered traffic flows
34 along the state highway to which the connection provides access in the
35 general area of the permittee's facility.

36 (3) Except as otherwise provided in this chapter, an unpermitted
37 connection is subject to closure by the appropriate permitting
38 authority which shall have the right to install barriers across or

1 remove the connection. When the permitting authority determines that
2 a connection is unpermitted and subject to closure, it shall provide
3 reasonable notice of its impending action to the owner of property
4 served by the connection. The permitting authority's procedures for
5 providing notice and preventing the operation of unpermitted
6 connections shall be adopted by rule.

7 **Sec. 5.** RCW 47.50.080 and 1991 c 202 s 8 are each amended to read
8 as follows:

9 (1) Unpermitted connections to the state highway system in
10 existence on July 1, 1990, and in active use shall not require the
11 issuance of a permit and may continue to provide access to the state
12 highway system, unless the permitting authority determines that such a
13 connection does not meet minimum acceptable standards of highway safety
14 and mobility based on accident data, traffic data, and accepted traffic
15 engineering criteria, a copy of which must be provided to the property
16 owner, upon written request. However, a permitting authority may
17 require that a permit be obtained for such a connection if a
18 significant change occurs in the use, design, or traffic flow of the
19 connection or of the state highway to which it provides access. If a
20 permit is not obtained, the connection may be closed pursuant to RCW
21 47.50.040.

22 (2) Access permits granted prior to adoption of the permitting
23 authorities' standards shall remain valid until modified or revoked as
24 provided in this chapter. Access connections to state highways
25 identified on plats and subdivisions approved prior to July 1, 1991,
26 shall be deemed to be permitted pursuant to chapter 202, Laws of 1991.
27 The permitting authority may, after written notification, under rules
28 adopted in accordance with RCW 47.50.030, modify or revoke an access
29 permit granted prior to adoption of the standards by requiring
30 relocation, alteration, or closure of the connection if a significant
31 change occurs in the use, design, or traffic flow of the connection or
32 the state highway to which the connection provides access in the
33 general area of the permittee's facility, and if, as a result of that
34 change, the connection does not meet minimum acceptable standards of
35 highway safety and mobility based on accident and traffic data and
36 accepted traffic engineering criteria.

37 (3) The permitting authority may issue a nonconforming access
38 permit after finding that to deny an access permit would leave the

1 property without a reasonable means of access to the public roads of
2 this state. Every nonconforming access permit shall specify limits on
3 the maximum vehicular use of the connection and shall be conditioned on
4 the availability of future alternative means of access for which access
5 permits can be obtained.

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