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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5162

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State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Benton, Finkbeiner, Johnson, Oke, Hale, Parlette, West, Rossi and Long)

READ FIRST TIME 01/22/2002.

1 AN ACT Relating to safety rest areas; amending RCW 47.12.125 and  
2 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that collaborative  
6 transportation partnerships supplement state transportation revenues  
7 and allow the state to use its limited resources for a greater number  
8 of transportation projects. The legislature further finds that  
9 additional safety rest area sites would benefit the traveling public  
10 and contribute to the economic development of nearby communities.  
11 Therefore, the legislature directs the department of transportation to  
12 pursue a joint safety rest area demonstration project.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.38 RCW  
14 to read as follows:

15 (1) The secretary or the secretary's designee shall solicit  
16 proposals from private and nonprofit entities for a joint safety rest  
17 area demonstration project. To implement the demonstration project the

1 secretary or designee shall negotiate and enter into agreements with  
2 private or nonprofit entities to provide safety rest area services.

3 (2) Each proposal for the demonstration project must be limited to  
4 a specific site that does not currently have a safety rest area. Each  
5 proposal will be weighed on its own merits. If an agreement is  
6 selected, the agreement must be negotiated as a site specific project.  
7 Proponents may submit more than one proposal.

8 (3) The department may enter into an agreement with a private or  
9 nonprofit entity if it determines that the proposal is in the public  
10 interest, will not impair the safety or operation of the highway,  
11 interfere with the free and safe flow of traffic, and is consistent  
12 with the access control standards. At a minimum, the department shall  
13 include the following requirements in the agreement:

14 (a) If the department grants access rights or leases property to  
15 the proponent, the proponent shall provide fair market value  
16 consideration to the department;

17 (b) If the project involves property owned by the department, the  
18 department and the proponent shall enter into a lease agreement under  
19 RCW 47.12.120 for the use of the property;

20 (c) The proponent shall provide safety rest area service to meet  
21 department requirements, at no cost to the department, as negotiated in  
22 the agreement;

23 (d) The proponent shall negotiate with the department of services  
24 for the blind to provide vending machines at the demonstration project;  
25 and

26 (e) The proponent must allow the department's volunteer refreshment  
27 program to operate at the safety rest area.

28 (4) The term of the agreement may not exceed twenty years.

29 (5) All revenues received under the terms of the agreement for the  
30 demonstration project must be placed in the motor vehicle fund. The  
31 department shall provide an initial report to the transportation  
32 committees of the house of representatives and the senate by December  
33 1, 2003, and annually thereafter, on the status of the project and  
34 revenues received from the project.

35 (6) The demonstration project developed by this section is exempt  
36 from RCW 41.06.380.

37 **Sec. 3.** RCW 47.12.125 and 1999 c 94 s 15 are each amended to read  
38 as follows:

1 All moneys paid to the state of Washington under any of the  
2 provisions of RCW 47.12.120 shall be deposited in the department's  
3 advance right of way revolving fund, except moneys that are subject to  
4 federal aid reimbursement and moneys received from rental of capital  
5 facilities properties, which shall be deposited in the motor vehicle  
6 fund. Any moneys received from the demonstration project authorized in  
7 section 2 of this act must be placed in the motor vehicle fund.

8 **Sec. 4.** RCW 47.12.244 and 1991 c 291 s 2 are each amended to read  
9 as follows:

10 There is created the "advance right of way revolving fund" in the  
11 custody of the treasurer, into which the department is authorized to  
12 deposit directly and expend without appropriation:

13 (1) An initial deposit of ten million dollars from the motor  
14 vehicle fund included in the department of transportation's 1991-93  
15 budget;

16 (2) All moneys received by the department as rental income from  
17 real properties that are not subject to federal aid reimbursement,  
18 except moneys received from rental of capital facilities properties  
19 (~~as defined in chapter 47.13 RCW~~). Any moneys received from the  
20 demonstration project authorized in section 2 of this act must be  
21 placed in the motor vehicle fund; and

22 (3) Any federal moneys available for acquisition of right of way  
23 for future construction under the provisions of section 108 of Title  
24 23, United States Code.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.38 RCW  
26 to read as follows:

27 The department shall request a waiver from the Federal Highway  
28 Administration for complying with 23 U.S.C. 111 regarding the use of  
29 access to rights-of-way on the interstate highway system. The  
30 department shall also seek a waiver from any federal regulations  
31 prohibiting private entities from operating safety rest areas. The  
32 waiver shall be for both current and future safety rest areas.

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