
SECOND SUBSTITUTE SENATE BILL 5162

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; and

23 (d) The proponent must allow the department's volunteer refreshment
24 program to operate at the safety rest area.

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

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

32 (6) The demonstration project developed by this section is exempt
33 from RCW 41.06.380 and 74.18.220.

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

36 All moneys paid to the state of Washington under any of the
37 provisions of RCW 47.12.120 shall be deposited in the department's
38 advance right of way revolving fund, except moneys that are subject to

1 federal aid reimbursement and moneys received from rental of capital
2 facilities properties, which shall be deposited in the motor vehicle
3 fund. Any moneys received from the demonstration project authorized in
4 section 2 of this act must be placed in the motor vehicle fund.

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

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

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

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

19 (3) Any federal moneys available for acquisition of right of way
20 for future construction under the provisions of section 108 of Title
21 23, United States Code.

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

24 The department shall request a waiver from the Federal Highway
25 Administration for complying with 23 U.S.C. 111 regarding the use of
26 access to rights-of-way on the interstate highway system and 20 U.S.C.
27 107 regarding vending machines at safety rest areas. The department
28 shall also seek a waiver from any federal regulations prohibiting
29 private entities from operating safety rest areas. The waiver shall be
30 for both current and future safety rest areas.

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