

# HOUSE BILL REPORT

## HB 1379

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### As Amended by the Senate

**Title:** An act relating to agreements with cities, towns, and counties for traffic control on private roads by local law enforcement personnel.

**Brief Description:** Authorizing agreements for traffic control.

**Sponsors:** By Representatives Ericksen, Bush and Anderson.

**Brief History:**

**Committee Activity:**

Transportation: 2/5/03, 2/13/03 [DP].

**Floor Activity:**

Passed House: 3/5/03, 92-5.

Senate Amended.

Passed Senate: 4/16/03, 45-4.

### Brief Summary of Bill

- Cities, towns and counties are allowed to enter agreements with the owner(s) of private roads or limited access roads owned or controlled by special districts to exercise traffic control jurisdiction on those roads.
- Agreements allowing cities, towns or counties to provide traffic control jurisdiction over these private or limited access roads may provide for reimbursement of costs, and for liability insurance and indemnification by any party or parties, and other terms as mutually agreeable.
- The chief law enforcement officer or sheriff, must be consulted prior to the adoption of the agreement and must approve it in writing, if that individual is an elected official.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 24 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson, Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Kristiansen, Lovick, Mielke, Nixon, Romero,

Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Flannigan, Hankins, Hatfield, Hudgins and Morris.

**Staff:** Jill Satran (786-7315).

**Background:**

State law provides that motorists must comply with all rules of the road on public highways. In addition, certain traffic laws such as laws relating to accidents, reckless driving, DUIs, vehicular assault may be enforced throughout the state, including both public and private roads. City, town and county law enforcement officials, however, do not have authority to enforce other civil traffic laws such as adherence to speed limits and traffic signs, on private and certain limited access roads.

To encourage traffic safety within private developments, homeowners' associations often adopt traffic safety rules and, in some cases, contract with private individuals (such as off-duty law enforcement officials) to enforce these rules. However, because these regulations are privately adopted, the citations issued are not enforceable beyond the authority of the home owners' association. Proponents of this bill are seeking authority to contract with local authorities to exercise public traffic control jurisdiction on these private or limited access roads.

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**Summary of Bill:**

HB 1379 is designed to allow cities, towns and counties to exercise traffic control jurisdiction over private roads or streets, or over limited access roads that are owned or controlled by a special district, if the governing body of the local jurisdiction enters into a written agreement with the party(ies) who own or control the roads or streets. These written agreements may include provisions for reimbursement of costs for traffic control and enforcement, and for liability insurance and indemnification by either party.

Traffic control jurisdiction provided under this bill is intended to be in addition to or concurrent with the jurisdictional authority already provided to cities, towns and counties, and includes regulating access to these roads.

If the chief law enforcement official or sheriff of the local authority is an elected official, he or she must be consulted prior to entering into the agreement and must approve the agreement in writing before it can take effect.

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**EFFECT OF SENATE AMENDMENT(S):**

The amendment allows homeowners' associations to enter into agreements with local law enforcement to provide enforcement of speeding violations on the community's private roads. Private roads not included within a community organized with a homeowners' association and limited access roads controlled by special districts are not addressed by the amendment.

The amendment is limited to the enforcement of speeding infractions, while the underlying bill would allow for agreements to enforce all types of traffic infractions, such as failure to observe traffic signs. (Note that law enforcement may already enforce reckless driving, DUI, and vehicular assault on both public and private roads.)

The homeowners' association board of directors must vote to authorize the issuance of speeding infractions and set a minimum speed limit of 20 miles per hour. The homeowners' association must notify all homeowners of the new authority and post speed signs at all vehicle entrances to the community. A written agreement between the homeowners' association president and the chief law enforcement official, rather than the local governing body of the local jurisdiction, is required. The amendment does not address reimbursement of costs to local law enforcement for providing services on the private roads.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill will give local governments and private communities the option of working together to provide traffic control on private roads, thereby improving community safety.

**Testimony Against:** None.

**Testified:** Representative Ericksen, prime sponsor; and Tim Schelberg.