

HOUSE BILL REPORT

SB 5959

As Reported by House Committee On:
Technology, Telecommunications & Energy

Title: An act relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities.

Brief Description: Providing access permits for the deployment of personal wireless facilities off limited access highways.

Sponsors: Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner.

Brief History:

Committee Activity:

Technology, Telecommunications & Energy: 3/26/03, 4/4/03 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Requires the Department of Transportation to issue permits which allow access from partially controlled limited access highways for the installation and maintenance of wireless telecommunication equipment.

HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS & ENERGY

Majority Report: Do pass as amended. Signed by 17 members: Representatives Morris, Chair; Ruderman, Vice Chair; Sullivan, Vice Chair; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson, Blake, Bush, DeBolt, Delvin, Hudgins, Kirby, McMahan, Romero, Tom, Wallace and Wood.

Staff: Matt Cooper (786-7106).

Background:

The Department of Transportation (Department) has established classifications for different types of highways. The Department has established controlled access to some highways to limit congestion and encourage the smooth flow of traffic. *Partially controlled limited access highways* are state highways where access from adjacent private

property is restricted so as to give preference to traffic flow on the highway.

The Department must approve a permit before any access point onto a controlled access highway may be constructed. Access to and from private residential property may be limited to right-hand turns only. Commercial access points are limited to frontage roads or major intersections. The usage of an access point must be consistent with the purpose of the permit. Commercial access is not allowed from access points originally permitted for residential usage.

Wireless telecommunications companies occasionally lease private land adjacent to partially controlled limited access highways for the installation of telecommunications facilities. A telecommunications company must obtain a commercial permit to allow access to leased property adjacent to these highways.

Summary of Amended Bill:

The Legislature declares that establishing wireless telecommunications service is a critical part of the state's infrastructure which is necessary to ensure public safety, network access, quality of service, and rural economic development.

The Department of Transportation must authorize permits for access points which allow telecommunications companies to access telecommunications sites from partially controlled limited access highways. The annual permit may cost no more than \$500 per year and may be terminated with 180 days notice.

Permits may be assigned to a contractor or subcontractor and may be transferred if the permit holder is sold to or merged with another company.

Amended Bill Compared to Original Bill:

The bill is amended to provide that approaches may be used for construction or maintenance during non-peak hours so long as public safety is not affected and may be used for construction at any time so long as public safety and traffic flow are not affected.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The Department of Transportation (Department) has reviewed the current policy on allowing access permits from partially controlled limited access highways and has concluded that the current policy does not allow wireless telecommunications companies easy access to their equipment sites. The Department is in favor of this bill because it will allow the Department to grant access permits to wireless telecommunications companies.

There have been several instances where the Department has not been able to grant permits to companies and that has increased the cost of providing services and created a hardship on companies who were unable to obtain those permits. This bill will make the installation and maintenance of these sites more economical and promote the development of the state's wireless system.

Testimony Against: None.

Testified: Senator Esser, prime sponsor; Barb Young, Sprint; Don Nelson, Washington State Department of Transportation; and Dan Youmans, AT&T Wireless.