

CERTIFICATION OF ENROLLMENT

SENATE BILL 5959

58th Legislature
2003 Regular Session

Passed by the Senate April 22, 2003
YEAS 46 NAYS 1

President of the Senate

Passed by the House April 11, 2003
YEAS 86 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 5959 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5959

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

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

Read first time 02/25/2003. Referred to Committee on Technology &
Communications.

1 AN ACT Relating to allowing approaches to partially controlled
2 limited access highways for the deployment of personal wireless
3 facilities; amending RCW 47.52.001; and adding a new section to chapter
4 47.52 RCW.

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

6 **Sec. 1.** RCW 47.52.001 and 1961 c 13 s 47.52.001 are each amended
7 to read as follows:

8 (1) Unrestricted access to and from public highways has resulted in
9 congestion and peril for the traveler. It has caused undue slowing of
10 all traffic in many areas. The investment of the public in highway
11 facilities has been impaired and highway facilities costing vast sums
12 of money will have to be relocated and reconstructed.

13 (2) Personal wireless service is a critical part of the state's
14 infrastructure. The rapid deployment of personal wireless facilities
15 is critical to ensure public safety, network access, quality of
16 service, and rural economic development.

17 (3) It is, therefore, the declared policy of this state to limit
18 access to the highway facilities of this state in the interest of
19 highway safety and for the preservation of the investment of the public

1 in such facilities; however, approaches to partially controlled limited
2 access highways shall be permitted for the deployment of personal
3 wireless facilities.

4 NEW SECTION. Sec. 2. A new section is added to chapter 47.52 RCW
5 to read as follows:

6 (1) The department shall authorize an off and on approach to
7 partially controlled limited access highways for the placement and
8 service of facilities providing personal wireless services.

9 (a) The approach shall be in a legal manner not to exceed thirty
10 feet in width.

11 (b) The approach may be specified at a point satisfactory to the
12 department at or between designated highway stations.

13 (c) The permit holder may use the approach for ingress and egress
14 from the highway for construction or maintenance of the personal
15 wireless service facility during nonpeak traffic hours so long as
16 public safety is not adversely affected. The permit holder may use the
17 approach for ingress and egress at any time for the construction of the
18 facility if public safety is not adversely affected and if construction
19 will not substantially interfere with traffic flow during peak traffic
20 periods.

21 (2) The department shall authorize the approach by an annual
22 permit, which may only be canceled upon one hundred eighty days'
23 written notice to the permit holder.

24 (a) The department shall set the yearly cost of a permit in rule.

25 (b) The permit shall be assignable to the contractors and
26 subcontractors of the permit holder. The permit shall also be
27 transferable to a new owner following the sale or merger of the permit
28 holder.

29 (3) For the purposes of this section:

30 (a) "Personal wireless services" means any federally licensed
31 personal wireless service.

32 (b) "Facilities" means unstaffed facilities that are used for the
33 transmission or reception, or both, of wireless communication services
34 including, but not necessarily limited to, antenna arrays, transmission
35 cables, equipment shelters, and support structures.

36 (4) The department shall present a report to the house of
37 representatives technology, telecommunications, and energy committee

1 and the senate technology and communications committee on the
2 implementation of the permit process and the cost of permits by January
3 15, 2004, and by the first day of the legislative session following
4 adoption of any rule increasing the cost of permits.

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