
SENATE BILL 6248

State of Washington 59th Legislature 2006 Regular Session

By Senators Haugen, Benson, Shin and Sheldon

Read first time 01/10/2006. Referred to Committee on Transportation.

1 AN ACT Relating to drainage and diking works; and amending RCW
2 85.07.170 and 47.01.260.

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

4 **Sec. 1.** RCW 85.07.170 and 1963 c 96 s 1 are each amended to read
5 as follows:

6 (1) The commissioners of any drainage or diking district shall have
7 power, on behalf of the district, to acquire, place, repair and
8 maintain, dikes and dams, ditches, drains and outlets therefor,
9 together with right of way therefor and access thereto, or obtain
10 rights therein or full or joint use and maintenance thereof, when
11 deemed by them necessary or beneficial for the protection of the
12 district's system or its improvements, by eminent domain, purchase, or
13 contract, with the owners or other districts through their
14 commissioners, or other entities or persons together with power to
15 contract by and with other districts or entities with reference to such
16 matters and their performance.

17 (2) If the commissioners of any drainage or diking district
18 determine that repair or maintenance is required on any drainage
19 facilities, including dikes and dams, ditches, and drains and outlets,

1 that are on land owned by or under the jurisdiction of the department
2 of transportation, they may give notice in writing to the department
3 requesting that the department make the necessary repair or maintenance
4 pursuant to the department's obligations under RCW 47.01.260. If the
5 specified repair or maintenance is not conducted by the department
6 within seven days upon receipt of the notice, the district
7 commissioners may independently make the repair or maintenance. The
8 department shall then reimburse the district for all reasonable costs
9 incurred by the district associated with the repair or maintenance.

10 (3) The provisions of this section shall be construed as cumulative
11 and shall not derogate from any other powers authorized by law for such
12 districts.

13 **Sec. 2.** RCW 47.01.260 and 1983 c 29 s 1 are each amended to read
14 as follows:

15 (1) The department of transportation shall exercise all the powers
16 and perform all the duties necessary, convenient, or incidental to the
17 planning, locating, designing, constructing, improving, repairing,
18 operating, and maintaining state highways, including bridges and other
19 structures, culverts, and drainage facilities and channel changes
20 necessary for the protection of state highways, and shall examine and
21 allow or disallow bills, subject to the provisions of RCW 85.07.170,
22 for any work or services performed or materials, equipment, or supplies
23 furnished.

24 (2) Subject to the limitations of RCW 4.24.115, the department, in
25 the exercise of any of its powers, may include in any authorized
26 contract a provision for indemnifying the other contracting party
27 against specific loss or damages arising out of the performance of the
28 contract.

29 (3) The department is authorized to acquire property as provided by
30 law and to construct and maintain thereon any buildings or structures
31 necessary or convenient for the planning, design, construction,
32 operation, maintenance, and administration of the state highway system
33 and to acquire property and to construct and maintain any buildings,
34 structures, appurtenances, and facilities necessary or convenient to
35 the health and safety and for the accommodation of persons traveling
36 upon state highways.

1 (4) The department is authorized to engage in planning surveys and
2 may collect, compile, and analyze statistics and other data relative to
3 existing and future highways and highway needs throughout the state,
4 and shall conduct research, investigations, and testing as it deems
5 necessary to improve the methods of construction and maintenance of
6 highways and bridges.

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