
HOUSE BILL 2770

State of Washington

63rd Legislature

2014 Regular Session

By Representative Parker

Read first time 02/05/14. Referred to Committee on Transportation.

1 AN ACT Relating to the removal of snow from streets that are part
2 of state highways; and amending RCW 47.24.020.

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

4 **Sec. 1.** RCW 47.24.020 and 2007 c 84 s 1 are each amended to read
5 as follows:

6 The jurisdiction, control, and duty of the state and city or town
7 with respect to such streets is as follows:

8 (1) The department has no authority to change or establish any
9 grade of any such street without approval of the governing body of such
10 city or town, except with respect to limited access facilities
11 established by the commission;

12 (2) The city or town shall exercise full responsibility for and
13 control over any such street beyond the curbs and if no curb is
14 installed, beyond that portion of the highway used for highway
15 purposes. However, within incorporated cities and towns the title to
16 a state limited access highway vests in the state, and, notwithstanding
17 any other provision of this section, the department shall exercise full
18 jurisdiction, responsibility, and control to and over such facility as
19 provided in chapter 47.52 RCW;

1 (3) The department has authority to prohibit the suspension of
2 signs, banners, or decorations above the portion of such street between
3 the curbs or portion used for highway purposes up to a vertical height
4 of twenty feet above the surface of the roadway;

5 (4) The city or town shall at its own expense maintain all
6 underground facilities in such streets, and has the right to construct
7 such additional underground facilities as may be necessary in such
8 streets. However, pavement trenching and restoration performed as part
9 of installation of such facilities must meet or exceed requirements
10 established by the department;

11 (5) The city or town has the right to grant the privilege to open
12 the surface of any such street, but all damage occasioned thereby shall
13 promptly be repaired either by the city or town itself or at its
14 direction. Pavement trenching and restoration performed under a
15 privilege granted by the city under this subsection must meet or exceed
16 requirements established by the department;

17 (6) The city or town at its own expense shall provide street
18 illumination and shall clean all such streets, including storm sewer
19 inlets and catch basins, and remove all snow, except that the state
20 shall (~~when necessary~~) plow the snow on the roadway. In cities and
21 towns having a population of twenty-five thousand or less according to
22 the latest determination of population by the office of financial
23 management, the state, when necessary for public safety, shall assume,
24 at its expense, responsibility for the stability of the slopes of cuts
25 and fills and the embankments within the right-of-way to protect the
26 roadway itself. When the population of a city or town first exceeds
27 twenty-five thousand according to the determination of population by
28 the office of financial management, the city or town shall have three
29 years from the date of the determination to plan for additional
30 staffing, budgetary, and equipment requirements before being required
31 to assume the responsibilities under this subsection. The state shall
32 install, maintain, and operate all illuminating facilities on any
33 limited access facility, together with its interchanges, located within
34 the corporate limits of any city or town, and shall assume and pay the
35 costs of all such installation, maintenance, and operation incurred
36 after November 1, 1954;

37 (7) The department has the right to use all storm sewers on such
38 highways without cost; and if new storm sewer facilities are necessary

1 in construction of new streets by the department, the cost of the
2 facilities shall be borne by the state and/or city as may be mutually
3 agreed upon between the department and the governing body of the city
4 or town;

5 (8) Cities and towns have exclusive right to grant franchises not
6 in conflict with state laws and rules, over, beneath, and upon such
7 streets, but the department is authorized to enforce in an action
8 brought in the name of the state any condition of any franchise which
9 a city or town has granted on such street. No franchise for
10 transportation of passengers in motor vehicles may be granted on such
11 streets without the approval of the department, but the department
12 shall not refuse to approve such franchise unless another street
13 conveniently located and of strength of construction to sustain travel
14 of such vehicles is accessible;

15 (9) Every franchise or permit granted any person by a city or town
16 for use of any portion of such street by a public utility must require
17 the grantee or permittee to restore, repair, and replace any portion of
18 the street damaged or injured by it to conditions that meet or exceed
19 requirements established by the department;

20 (10) The city or town has the right to issue overload or overwidth
21 permits for vehicles to operate on such streets or roads subject to
22 regulations printed and distributed to the cities and towns by the
23 department;

24 (11) Cities and towns shall regulate and enforce all traffic and
25 parking restrictions on such streets, but all regulations adopted by a
26 city or town relating to speed, parking, and traffic control devices on
27 such streets not identical to state law relating thereto are subject to
28 the approval of the department before becoming effective. All
29 regulations pertaining to speed, parking, and traffic control devices
30 relating to such streets heretofore adopted by a city or town not
31 identical with state laws shall become null and void unless approved by
32 the department heretofore or within one year after March 21, 1963;

33 (12) The department shall erect, control, and maintain at state
34 expense all route markers and directional signs, except street signs,
35 on such streets;

36 (13) The department shall install, operate, maintain, and control
37 at state expense all traffic control signals, signs, and traffic
38 control devices for the purpose of regulating both pedestrian and motor

1 vehicular traffic on, entering upon, or leaving state highways in
2 cities and towns having a population of twenty-five thousand or less
3 according to the latest determination of population by the office of
4 financial management. Such cities and towns may submit to the
5 department a plan for traffic control signals, signs, and traffic
6 control devices desired by them, indicating the location, nature of
7 installation, or type thereof, or a proposed amendment to such an
8 existing plan or installation, and the department shall consult with
9 the cities or towns concerning the plan before installing such signals,
10 signs, or devices. Cities and towns having a population in excess of
11 twenty-five thousand according to the latest determination of
12 population by the office of financial management shall install,
13 maintain, operate, and control such signals, signs, and devices at
14 their own expense, subject to approval of the department for the
15 installation and type only. When the population of a city or town
16 first exceeds twenty-five thousand according to the determination of
17 population by the office of financial management, the city or town
18 shall have three years from the date of the determination to plan for
19 additional staffing, budgetary, and equipment requirements before being
20 required to assume the responsibilities under this subsection. For the
21 purpose of this subsection, striping, lane marking, and channelization
22 are considered traffic control devices;

23 (14) All revenue from parking meters placed on such streets belongs
24 to the city or town;

25 (15) Rights-of-way for such streets shall be acquired by either the
26 city or town or by the state as shall be mutually agreed upon. Costs
27 of acquiring rights-of-way may be at the sole expense of the state or
28 at the expense of the city or town or at the expense of the state and
29 the city or town as may be mutually agreed upon. Title to all such
30 rights-of-way so acquired shall vest in the city or town: PROVIDED,
31 That no vacation, sale, rental, or any other nontransportation use of
32 any unused portion of any such street may be made by the city or town
33 without the prior written approval of the department; and all revenue
34 derived from sale, vacation, rental, or any nontransportation use of
35 such rights-of-way shall be shared by the city or town and the state in
36 the same proportion as the purchase costs were shared;

37 (16) If any city or town fails to perform any of its obligations as
38 set forth in this section or in any cooperative agreement entered into

1 with the department for the maintenance of a city or town street
2 forming part of the route of a state highway, the department may notify
3 the mayor of the city or town to perform the necessary maintenance
4 within thirty days. If the city or town within the thirty days fails
5 to perform the maintenance or fails to authorize the department to
6 perform the maintenance as provided by RCW 47.24.050, the department
7 may perform the maintenance, the cost of which is to be deducted from
8 any sums in the motor vehicle fund credited or to be credited to the
9 city or town.

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