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**SUBSTITUTE SENATE BILL 6576**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Mullet and Llias)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to the responsibilities of state routes in cities  
2 or towns; 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  
10 such 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,  
17 notwithstanding any other provision of this section, the department  
18 shall exercise full jurisdiction, responsibility, and control to and  
19 over such facility as provided in chapter 47.52 RCW;

20 (3) The department has authority to prohibit the suspension of  
21 signs, banners, or decorations above the portion of such street

1 between the curbs or portion used for highway purposes up to a  
2 vertical height of twenty feet above the surface of the roadway;

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

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

15 (6) Except as otherwise provided in subsection (17) of this  
16 section, the city or town at its own expense shall provide street  
17 illumination and shall clean all such streets, including storm sewer  
18 inlets and catch basins, and remove all snow, except that the state  
19 shall when necessary plow the snow on the roadway. In cities and  
20 towns having a population of twenty-~~((five))~~ seven thousand five  
21 hundred or less according to the latest determination of population  
22 by the office of financial management, the state, when necessary for  
23 public safety, shall assume, at its expense, responsibility for the  
24 stability of the slopes of cuts and fills and the embankments within  
25 the right-of-way to protect the roadway itself. When the population  
26 of a city or town first exceeds twenty-~~((five))~~ seven thousand five  
27 hundred according to the determination of population by the office of  
28 financial management, the city or town shall have three years from  
29 the date of the determination to plan for additional staffing,  
30 budgetary, and equipment requirements before being required to assume  
31 the responsibilities under this subsection. The state shall install,  
32 maintain, and operate all illuminating facilities on any limited  
33 access facility, together with its interchanges, located within the  
34 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  
39 necessary in construction of new streets by the department, the cost  
40 of the facilities shall be borne by the state and/or city as may be

1 mutually agreed upon between the department and the governing body of  
2 the city or town;

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

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

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

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

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

35 (13) Except as otherwise provided in subsection (17) of this  
36 section, 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  
39 motor vehicular traffic on, entering upon, or leaving state highways  
40 in cities and towns having a population of twenty-((five)) seven

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

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

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

37 (16) If any city or town fails to perform any of its obligations  
38 as set forth in this section or in any cooperative agreement entered  
39 into with the department for the maintenance of a city or town street  
40 forming part of the route of a state highway, the department may

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

8 (17) The population thresholds identified in subsections (6) and  
9 (13) of this section shall be increased as follows:

10 (a) Thirty thousand on July 1, 2023;

11 (b) Thirty-two thousand five hundred on July 1, 2028; and

12 (c) Thirty-five thousand on July 1, 2033.

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