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**SUBSTITUTE SENATE BILL 6205**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Haugen and Shin)

READ FIRST TIME 01/20/10.

1       AN ACT Relating to portions of state highways better served by  
2 merged fire districts under certain circumstances; amending RCW  
3 47.48.031 and 52.06.090; and creating a new section.

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

5       NEW SECTION. **Sec. 1.** The legislature finds that portions of state  
6 highways may at times be better served by the merger of local fire  
7 districts serving the applicable stretch of highway. In certain areas  
8 of the state, portions of state highways are located within fire  
9 district boundaries that, due to the location of the district's nearest  
10 fire station, are not conducive to quick emergency response times  
11 supporting that portion of highway. This may result in liability  
12 burdens on the part of those responsible for managing that stretch of  
13 state highway. In these circumstances, an adjacent fire district often  
14 has a fire station located closer to the affected portion of state  
15 highway that would provide quicker and more efficient emergency  
16 response services. Therefore, it is the intent of the legislature that  
17 the existing mechanism for merging fire districts be streamlined in  
18 order to more efficiently facilitate a partial merger of fire districts

1 such that affected portions of state highways can be better served with  
2 quicker emergency response times by the merger district.

3 **Sec. 2.** RCW 47.48.031 and 1981 c 197 s 1 are each amended to read  
4 as follows:

5 (1) Whenever the chief or another officer of the state patrol  
6 determines on the basis of a traffic investigation that an emergency  
7 exists or less than safe road conditions exist due to human-caused or  
8 natural disasters or extreme weather conditions upon any state highway,  
9 or any part thereof, state patrol officers may determine and declare  
10 closures and temporarily reroute traffic from any such affected  
11 highway. The emergency or less than safe road conditions may also  
12 exist due to a fire on a portion of state highway being served by a  
13 merged fire district established under the conditions identified in RCW  
14 52.06.090(2).

15 (2) Any alteration of vehicular traffic on any state highway due to  
16 closure in emergency conditions is effective until such alteration has  
17 been approved or altered by the secretary of transportation or other  
18 department of transportation authorities in their local respective  
19 jurisdictions.

20 (3) All state highway closures by officers of the state patrol  
21 shall be immediately reported to the secretary of transportation and to  
22 other authorities in their local jurisdictions.

23 **Sec. 3.** RCW 52.06.090 and 1989 c 63 s 16 are each amended to read  
24 as follows:

25 (1)(a) Except as otherwise provided in subsection (2) of this  
26 section, a part of one district may be transferred and merged with an  
27 adjacent district if the area can be better served by the ((merged))  
28 merger district. To effect such a merger, a petition, signed by a  
29 majority of the commissioners of the merging district or signed by not  
30 less than fifteen percent of the qualified electors residing in the  
31 area to be merged, shall be filed with the commissioners of the merging  
32 district, if signed by electors, or with the commissioners of the  
33 merger district if signed by commissioners of the merging district. If  
34 the commissioners of the merging district approve the petition, the  
35 petition shall be presented to the commissioners of the merger

1 district. If the commissioners of the merger district approve the  
2 petition, an election shall be called in the area to be merged.

3 (b) In the event that either board of fire district commissioners  
4 does not approve the petition, the petition may be approved by the  
5 boundary review board of the county or the county legislative authority  
6 of the county in which the area to be merged is situated, and may  
7 approve the merger if it decides the area can be better served by a  
8 merger. If the part of the merging district that is proposed to merge  
9 with the merger district is located in more than one county, the  
10 approval must be by the boundary review board or county legislative  
11 authority of each county. If there is an affirmative decision, an  
12 election shall be called in the area to be merged.

13 (c) A majority of the votes cast is necessary to approve the  
14 transfer.

15 (2) The transfer and merger of part of one district to an adjacent  
16 district may also occur and does not require an election or approval by  
17 a boundary review board or county legislative authority if:

18 (a) The area to be merged:

19 (i) Includes portions of a state highway;

20 (ii) Can be better served by the merger district with quicker  
21 emergency response times, as determined by the commissioners of the  
22 merger district in (c) of this subsection; and

23 (iii) Has an assessed value of less than one-half of one percent of  
24 the total assessed value of the merging district;

25 (b) The merging district does not own a fire station located within  
26 the area to be merged; and

27 (c) A resolution is adopted by a majority of the commissioners of  
28 the merger district (i) finding that the merger district can provide  
29 quicker emergency response times to the proposed area to be merged and  
30 that the merger is in the public interest, and (ii) declaring the  
31 portion of the district merged in the same manner and to the same  
32 effect as if it had been authorized by an election. However, the  
33 commissioners of the merger district must consult with the  
34 commissioners of the merging district regarding the merger at least  
35 thirty days prior to adoption of the resolution.

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