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SENATE BILL 6623

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State of Washington

64th Legislature

2016 Regular Session

By Senator King

Read first time 02/01/16. Referred to Committee on Transportation.

1 AN ACT Relating to the rental or lease of transportation  
2 property; amending RCW 47.12.120 and 47.52.090; and declaring an  
3 emergency.

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

5 **Sec. 1.** RCW 47.12.120 and 2003 c 198 s 2 are each amended to  
6 read as follows:

7 The department may rent or lease any lands, improvements, or  
8 airspace above or below any lands that are held for highway purposes  
9 but are not presently needed. The rental or lease:

10 (1) Must be upon such terms and conditions as the department may  
11 determine;

12 (2) Must be valued using the process outlined in WAC 468-30-060  
13 and 468-30-110, as each existed on January 1, 2016, and reflective of  
14 all sources of funds used to acquire or construct the property being  
15 rented or leased;

16 (3) Is subject to the provisions and requirements of zoning  
17 ordinances of political subdivisions of government;

18 ((+3)) (4) Includes lands used or to be used for both limited  
19 access and conventional highways that otherwise meet the requirements  
20 of this section; and

1        (~~(4)~~) (5) In the case of bus shelters provided by a local  
2 transit authority that include commercial advertising, may charge the  
3 transit authority only for commercial space.

4        **Sec. 2.** RCW 47.52.090 and 1984 c 7 s 241 are each amended to  
5 read as follows:

6        The highway authorities of the state, counties, incorporated  
7 cities and towns, regional transit authorities, and municipal  
8 corporations owning or operating an urban public transportation  
9 system are authorized to enter into agreements with each other, or  
10 with the federal government, respecting the financing, planning,  
11 establishment, improvement, construction, maintenance, use,  
12 regulation, or vacation of limited access facilities in their  
13 respective jurisdictions to facilitate the purposes of this chapter.  
14 Any such agreement may provide for the exclusive or nonexclusive use  
15 of a portion of the facility by streetcars, trains, or other vehicles  
16 forming a part of an urban public transportation system and for the  
17 erection, construction, and maintenance of structures and facilities  
18 of such a system including facilities for the receipt and discharge  
19 of passengers. Within incorporated cities and towns the title to  
20 every state limited access highway vests in the state, and,  
21 notwithstanding any other provision of this section, the department  
22 shall exercise full jurisdiction, responsibility, and control to and  
23 over the highway from the time it is declared to be operational as a  
24 limited access facility by the department, subject to the following  
25 provisions:

26        (1) Cities and towns shall regulate all traffic restrictions on  
27 such facilities except as provided in RCW 46.61.430, and all  
28 regulations adopted are subject to approval of the department before  
29 becoming effective. Nothing herein precludes the state patrol or any  
30 county, city, or town from enforcing any traffic regulations and  
31 restrictions prescribed by state law, county resolution, or municipal  
32 ordinance.

33        (2) The city, town, or franchise holder shall at its own expense  
34 maintain its underground facilities beneath the surface across the  
35 highway and has the right to construct additional facilities  
36 underground or beneath the surface of the facility or necessary  
37 overcrossings of power lines and other utilities as may be necessary  
38 insofar as the facilities do not interfere with the use of the right-  
39 of-way for limited access highway purposes. The city or town has the

1 right to maintain any municipal utility and the right to open the  
2 surface of the highway. The construction, maintenance until permanent  
3 repair is made, and permanent repair of these facilities shall be  
4 done in a time and manner authorized by permit to be issued by the  
5 department or its authorized representative, except to meet emergency  
6 conditions for which no permit will be required, but any damage  
7 occasioned thereby shall promptly be repaired by the city or town  
8 itself, or at its direction. Where a city or town is required to  
9 relocate overhead facilities within the corporate limits of a city or  
10 town as a result of the construction of a limited access facility,  
11 the cost of the relocation shall be paid by the state.

12 (3) Cities and towns have the right to grant utility franchises  
13 crossing the facility underground and beneath its surface insofar as  
14 the franchises are not inconsistent with the use of the right-of-way  
15 for limited access facility purposes and the franchises are not in  
16 conflict with state laws. The department is authorized to enforce, in  
17 an action brought in the name of the state, any condition of any  
18 franchise that a city or town has granted. No franchise for  
19 transportation of passengers in motor vehicles may be granted on such  
20 highways without the approval of the department, except cities and  
21 towns are not required to obtain a franchise for the operation of  
22 municipal vehicles or vehicles operating under franchises from the  
23 city or town operating within the corporate limits of a city or town  
24 and within a radius not exceeding eight miles outside the corporate  
25 limits for public transportation on such facilities, but these  
26 vehicles may not stop on the limited access portion of the facility  
27 to receive or to discharge passengers unless appropriate special  
28 lanes or deceleration, stopping, and acceleration space is provided  
29 for the vehicles.

30 Every franchise or permit granted any person by a city or town  
31 for use of any portion of a limited access facility shall require the  
32 grantee or permittee to restore, permanently repair, and replace to  
33 its original condition any portion of the highway damaged or injured  
34 by it. Except to meet emergency conditions, the construction and  
35 permanent repair of any limited access facility by the grantee of a  
36 franchise shall be in a time and manner authorized by a permit to be  
37 issued by the department or its authorized representative.

38 (4) The department has the right to use all storm sewers that are  
39 adequate and available for the additional quantity of run-off  
40 proposed to be passed through such storm sewers.

1 (5) The construction and maintenance of city streets over and  
2 under crossings and surface intersections of the limited access  
3 facility shall be in accordance with the governing policy entered  
4 into between the department and the association of Washington cities  
5 on June 21, 1956, or as such policy may be amended by agreement  
6 between the department and the association of Washington cities.

7 (6) An agreement under this section for the lease or rent of  
8 lands, improvements, or airspace above or below any lands that are  
9 held for highway purposes by the department must be valued using the  
10 process outlined in WAC 468-30-060 and 468-30-110, as each existed on  
11 January 1, 2016, and reflective of all sources of funds used to  
12 acquire or construct the facility being rented or leased.

13 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of  
15 the state government and its existing public institutions, and takes  
16 effect immediately.

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