

CHAPTER 142

[Senate Bill No. 2309]

FEDERAL VETERANS' FACILITIES—
CONCURRENT STATE JURISDICTION

AN ACT Relating to federal areas and jurisdiction; and adding a new section to chapter 37.08 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 37.08 RCW a new section to read as follows:

Upon the filing of an appropriate notice thereof with the governor by the administrator of veterans affairs, an agency of the United States of America, pursuant to the provisions of section 302 of Public Law 93-82 (87 Stat. 195; 38 U.S.C. Sec. 5007), the governor is hereby authorized and directed to accept such legislative jurisdiction as is necessary to establish concurrent jurisdiction between the United States and the state of Washington to all land comprising the veterans hospital located at Vancouver in Clark county, Washington; the veterans administration hospital located at Walla Walla in Walla Walla county, Washington, and the veterans administration hospital located at American Lake in Pierce county, Washington. The acquisition of such concurrent jurisdiction shall become effective upon filing the documents signifying such acceptance in the office of the secretary of state.

Passed the Senate March 20, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 143

[Engrossed Senate Bill No. 2607]

PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT

AN ACT Relating to highways; amending section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 as last amended by section 5, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.040; adding new sections to chapter 173, Laws of 1963 and to chapter 47.05 RCW; and repealing section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex. sess., section 6, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030 are each amended to read as follows:

The state highway commission shall adopt and periodically revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives ((to be accomplished within a)) for each of the highway categories, "A", "B", and "C", defined in this section, based upon needs for the ensuing fourteen year advance planning period, and within the

framework of revenue estimates for such period. The plan shall be based upon the ~~((construction))~~ improvement needs for state highways as determined ~~((and segregated according to functional class))~~ by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the highway commission shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out ~~((such rates of completion))~~ the commission's highway planning objectives within a fourteen year advance planning period ~~((on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the highway commission, acting pursuant to reasonable rules and regulations adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:~~

(a) ~~The relative remaining needs of each functional class of highways;~~
 (b) ~~The estimated available funds;~~
 (c) ~~Continuity of future developments with those previously programmed; and~~
 (d) ~~Graduation of rates of completion according to functional class importance):~~

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

NEW SECTION. Sec. 2. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

(1) The commission, in preparing the long-range plan for highway improvements, shall allocate the estimated revenues for the fourteen year period among categories A, B, and C, giving primary consideration to the following factors:

(a) The relative needs in each of the categories of improvements;
 (b) The need to provide adequate funding for category A improvements to protect the state's investment in its existing highway system; and
 (c) The continuity of future highway development of all categories of improvements with those previously programmed.

(2) The commission in preparing the long-range plan shall establish graduated rates of development of category A improvements according to functional class importance.

Sec. 3. Section 4, chapter 173, Laws of 1963 as last amended by section 5, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a comprehensive six-year program and financial plan for highway construction, maintenance, and planning activities.

(2) The highway construction program for the ensuing six years shall ~~((apply))~~ allocate to category A improvements as a whole, and then to each of the five functional classes of state highways, that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall then apportion the available category A construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining category A improvement needs for each functional class of highway within each highway district bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state.

(3) The commission shall allocate to category B improvements for the ensuing six years, the estimated available federal aid interstate funds and state matching funds as necessary to accomplish the commission's long-range plan for category B highway improvements throughout the state.

(4) The commission shall allocate to category C improvements for the ensuing six years, the remaining estimated available construction funds to accomplish to the extent possible the commission's long-range plan for category C highway improvements throughout the state.

NEW SECTION. Sec. 4. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

(1) The six year comprehensive highway construction program for each category of improvements shall be based upon a priority selection system within the budget limits established for the category. The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.

(2) Selection of specific category A projects for the six year program shall be based on the priority of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class and within the respective highway district taking into account the criteria set forth in subsection (4) of this section.

(3) Selection of specific category B projects for the six year program shall be based on the priority of each interstate system highway section proposed to be improved or constructed in relation to other interstate highway sections within the state taking into account the criteria set forth in subsection (4) of this section.

(4) The priority of each category A and B project as provided in subsections (2) and (3) of this section shall be determined in accordance with the following criteria (not necessarily in order of importance):

- (a) Its structural ability to carry loads imposed upon it;
- (b) Its capacity to move traffic at reasonable speeds without undue congestion;
- (c) Its adequacy of alignment and related geometrics;
- (d) Its accident experience; and
- (e) Its fatal accident experience.

(5) Selection of specific category C projects for the six year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:

- (a) Continuity of development of the highway transportation network;
- (b) Coordination with the development of other modes of transportation;
- (c) The stated long-range goals of the local area and its transportation plan;
- (d) Its potential social, economic, and environmental impacts;
- (e) Public views concerning proposed improvements;
- (f) The conservation of energy resources and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds; and
- (g) Feasibility of financing the full proposed improvement.

(6) The commission in selecting any project for improvement in categories A, B, or C may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the program, (b) as may be required by a court judgment, legally binding agreement or state and federal laws and regulations, (c) as may be required to coordinate with federal, local or other state agency construction projects, (d) to take advantage of some substantial financial benefit that may be available, (e) for continuity of route development, or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects.

(7) The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year.

NEW SECTION. Sec. 5. Section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex. sess., section 6, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.050 are each hereby repealed.

NEW SECTION. Sec. 6. There is added to chapter 173, Laws of 1963 and to chapter 47.05 RCW a new section to read as follows:

The provisions of this 1975 amendatory act modifying existing procedures for priority programming for highway development as set forth in chapter 47.05 RCW, shall first apply to the long-range plan for improvements for the period 1977 to 1991, and shall first apply to the preparation of the six year highway construction program for the period 1977 to 1983. For the biennium ending June 30, 1977, the commission may deviate from the existing long range plan and the six

year plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with the modified procedures prescribed by this 1975 amendatory act and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively.

Passed the Senate March 31, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 144

[Substitute Senate Bill No. 2725]

STATE OFFICERS AND EMPLOYEES— DEFENSE AGAINST CRIMINAL PROSECUTION

AN ACT Relating to state officers and employees; and adding a new section to chapter 10.01 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 10.01 RCW a new section to read as follows:

Whenever a state officer or employee is charged with a criminal offense arising out of the performance of an official act which was fully in conformity with established written rules, policies, and guidelines of the state or state agency, the employing agency may request the attorney general to defend the officer or employee. If the agency finds, and the attorney general concurs, that the officer's or employee's conduct was fully in accordance with established written rules, policies, and guidelines of the state or a state agency and the act performed was within the scope of employment, then the request shall be granted and the costs of defense shall be paid by the requesting agency: PROVIDED, HOWEVER, If the agency head is the person charged, then approval must be obtained from both the attorney general and the state auditor. If the court finds that the officer or employee was performing an official act, or was within the scope of employment, and that his actions were in conformity with the established rules, regulations, policies, and guidelines of the state and the state agency, the cost of any monetary fine assessed shall be paid from the tort claims revolving fund.

Passed the Senate April 22, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 145

[Senate Bill No. 2861]

LAW AGAINST DISCRIMINATION—STUDENT HOUSING

AN ACT Relating to the laws against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

Be it enacted by the Legislature of the State of Washington: