

Passed the House May 3, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 130
[House Bill No. 1060]
HIGHWAYS--
CREATION, PRESERVATION, REESTABLISHMENT
OF RECREATIONAL TRAILS AND PATHS

AN ACT Relating to public highways; and creating new sections.

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

NEW SECTION. Section 1. (1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be

provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken.

NEW SECTION. Sec. 2. Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and freeways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies.

Passed the House May 3, 1971.

Passed the Senate April 30, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 131

[Engrossed House Bill No. 181]
STATUTE OF LIMITATIONS, TOLLING,
WHEN ACTION DEEMED COMMENCED

AN ACT Relating to civil procedure; and amending section 3, chapter 43, Laws of 1955 and RCW 4.16.170; and amending section 1, chapter 127, Laws of 1893 as amended by section 1, chapter 86, Laws of 1895 and RCW 4.28.010.

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

Section 1. Section 3, chapter 43, Laws of 1955 and RCW 4.16.170 are each amended to read as follows:

For the purpose of tolling any statute of limitations an action shall ~~((not))~~ be deemed commenced ~~((until))~~ when the complaint is filed or summons is served whichever occurs first. If service has not been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint. If the action is commenced by service on one or more of the defendants or by publication, the plaintiff shall file the summons and complaint within ninety days from the date of service. If following service, the complaint is not