

safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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CHAPTER 12
[Reengrossed Senate Bill No. 2136]
HIGHWAY COMMISSION--PROGRAMS
REPORTS

AN ACT Relating to the highway commission; amending section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160; amending section 47.01.220, chapter 13, Laws of 1961 and RCW 47.01.220; amending section 3, chapter 173, Laws of 1963 as last amended by section 3, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 as amended by section 4, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.040; amending section 5, chapter 173, Laws of 1963 as amended by section 5, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.050; amending section 7, chapter 173, Laws of 1963 and RCW 47.05.070; adding a new section to chapter 47.01 RCW; repealing section 47.01.140, chapter 13, Laws of 1961 and RCW 47.01.140; repealing section 6, chapter 173, Laws of 1963 and RCW 47.05.060; and repealing section 8, chapter 173, Laws of 1963, section 6, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.080.

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

NEW SECTION. Section 1. There is added to chapter 47.01 RCW a new section to read as follows:

The highway commission shall submit reports to the governor and legislature at the time each regular session of the legislature convenes, including but not limited to the following information:

(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;

(2) Projects constructed or under construction in the preceding two fiscal years;

(3) Such operational activities of the preceding two fiscal years as the commission may deem important and recommendations for the future operations of the commission;

(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor.

In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070.

Sec. 2. Section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160 are each amended to read as follows:

The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it ((7 and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof)).

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington,

assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) ~~((To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission-~~

~~{7}))~~ To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

~~((10))~~ (7) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

~~((19))~~ (8) To exercise all other powers and perform all other duties now or hereafter provided by law.

Sec. 3. Section 47.01.220, chapter 13, Laws of 1961 and RCW 47.01.220 are each amended to read as follows:

The state highway commission shall report to the legislature through the ~~((joint fact-finding committee on highways, streets and~~

bridges)) legislative transportation committee and senate and house transportation and utilities committees on the highway needs of the state ((in the light of the new federal highway policy; taking into consideration the needs of the existing state highway system and such extensions thereto as may be warranted by the expanding economy of the state)).

Sec. 4. Section 3, chapter 173, Laws of 1963 as last amended by section 3, chapter 39, Laws of 1969 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 ((joint committee on highways)) 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 fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction 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((; to take full advantage of the available federal aid highway funds;)) and to adjust to unanticipated delays in programmed projects, the highway commission shall ((program)) allocate the estimated available funds, ((first; to completion of)) so as to carry out such rates of completion 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, ((within the designated period for completion thereof established pursuant to federal law; second; to completion of any features or)) on the parts of the national system of interstate and defense highways on which ((the)) federal aid participation is less than the regular interstate rate under federal law and regulations; and ((the balance of the available funds shall be applied so as to carry out rates of completion within a fourteen year advance planning period)) on the remaining four functional classes ((at such rates of completion for each such functional class)) 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.

Sec. 5. Section 4, chapter 173, Laws of 1963 as amended by section 4, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.040 are each amended to read as follows:

Prior to ((July 4, 1974)) October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the ((joint committee on highways)) 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. The highway construction program for the ensuing six years((, which)) shall apply 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 apportion the available construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining needs for each functional class of highway within each highway district bears to the total estimated needs for each functional class remaining unsatisfied throughout the state.

Sec. 6. Section 5, chapter 173, Laws of 1963 as amended by section 5, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.050 are each amended to read as follows:

The six year comprehensive highway construction program shall contain a priority construction program for each functional class of highways, including the national system of interstate and defense highways, within the budget limits established for each class. Selection of specific projects for the six year program shall be based on the rating of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class within the respective highway district, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics; ((and))
- (4) Its accident experience((r));
- (5) Its fatal accident experience((r));
- (6) In the case of designated but unconstructed highways, its economic importance measured by a cost-benefit analysis, the effect on the state's economy and benefit to the geographical area concerned.

The commission in selecting any project for improvement or construction may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by a court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development. The commission shall identify in its summary of the six-year construction program the extent to which the commission has departed from the established priority of projects.

The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings within each functional class 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.

Sec. 7. Section 7, chapter 173, Laws of 1963 and RCW 47.05.070 are each amended to read as follows:

The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial budget shall ((summarize construction expenditures by designated highways and by functional classes of highways)) include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

NEW SECTION. Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 47.01.140, chapter 13, Laws of 1961 and RCW 47.01.140;

(2) Section 6, chapter 173, Laws of 1963 and RCW 47.05.060; and

(3) Section 8, chapter 173, Laws of 1963, section 6, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.080.

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CHAPTER 13

[Engrossed Senate Bill No. 2300]

SUPERIOR COURTS--RANDOM JUROR SELECTION--

ELECTRONIC DATA PROCESSING SYSTEM

AN ACT Relating to juries; and adding new sections to chapter 2.36 RCW.