

No person except as authorized by this chapter shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of ~~((one))~~ two thousand five hundred dollars or less.

The foregoing prohibition shall apply to any person who by any device, subterfuge, or pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for any such loan, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

Interest rates for small loans as described in RCW 31.08.160 are hereby declared to be the maximum rates permissible under the public policy of the state of Washington. With respect to any loan of the amount or value of ~~((one))~~ two thousand five hundred dollars or less for which a greater rate of interest, consideration, or charges than is permitted by RCW 31.08.160 has been charged, contracted for, or received, the lender or his successor in interest shall not be entitled to collect or receive in this state: (1) any principal, interest, consideration or charges whatsoever if any part of the loan transaction occurred in this state; or (2) any interest, consideration or charges in excess of that stated in RCW 31.08.160 if no part of the loan transaction occurred in this state.

Passed the Senate May 24, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 151

[Engrossed Substitute Senate Bill No. 2924]  
DEPARTMENT OF TRANSPORTATION

AN ACT Relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices; renaming Title 47 RCW and adding certain code chapters thereto; amending section 1, chapter 7, Laws of 1977 and RCW 43.17.010; amending section 2, chapter 7, Laws of 1977 and RCW 43.17.020; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 7, chapter 74, Laws of 1967 and RCW 43.63A.070; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending

section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150; amending section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030; amending section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250; amending section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254; amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020; amending section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; adding a new section to chapter 1.08 RCW; adding a new section to chapter 14.04 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.01 RCW; adding new sections to Title 47 RCW; creating new sections; repealing section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030; repealing section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040; repealing section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex.

sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020; repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; declaring an emergency; and providing an effective date.

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

**NEW SECTION.** Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency.

**NEW SECTION.** Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

- (1) "Department" means the department of transportation created in section 3 of this 1977 amendatory act;
- (2) "Commission" means the transportation commission created in section 5 of this 1977 amendatory act;
- (3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1977 amendatory act.

**NEW SECTION.** Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency, are transferred to the jurisdiction of

the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1977 legislature.

(3) The urban arterial board and the board of pilotage commissioners are transferred to the jurisdiction of the department for their staff support and administration: **PROVIDED**, That nothing in this section shall be construed as transferring any policy making powers of the urban arterial board or the board of pilotage commissioners to the transportation commission or the department of transportation.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission responsible only to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

**NEW SECTION.** Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

**NEW SECTION.** Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the state-wide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

(1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this 1977 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

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

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and personnel in the planning and community affairs agency whose primary duties relate to transportation, shall, on July 1, 1977, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system: PROVIDED, That the executive secretary appointed by the urban arterial board shall not be transferred to the department and shall remain subject to the control of the urban arterial board.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with such agency and who previously held permanent status in a classified position shall on or after July 1, 1977, have a right of reversion to the highest class of position previously held, and may continue employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 12. The lawfully adopted rules and regulations of the Washington state highway commission, the Washington toll bridge authority, the aeronautics commission, the canal commission, and those of the planning and community affairs agency which relate to transportation, in effect on June 30, 1977, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 6 and 10 of this 1977 amendatory act. Rules and regulations lawfully adopted by the board of pilotage commissioners pursuant to RCW 88.16.030 in effect on June 30, 1977, shall continue to have full force and effect and be applicable until suspended by, or repealed by, rules and regulations lawfully adopted by the newly constituted board of pilotage commissioners as provided for in RCW 88.16.010 as now or hereafter amended.

NEW SECTION. Sec. 13. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to section 8 of this 1977 amendatory act, and one confidential secretary for each of the above-named officers. The individuals appointed under this section shall be exempt from the provisions of the



state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

NEW SECTION. Sec. 14. If on the effective date of this 1977 amendatory act, any exempt position designated hereinabove has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by section 3 of this 1977 amendatory act transferred to the department of transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 15. Nothing in this 1977 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this 1977 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 17. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, the board of pilotage commissioners, and such material in possession of the planning and community affairs agency which relates to transportation, shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1977 amendatory act shall be made available on the effective date of this 1977 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, and the planning and community affairs agency for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1977 amendatory act, shall on the effective date of this 1977 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions. Appropriations to the planning and community affairs agency hereby transferred to the department of transportation, including funds for administration of advanced planning moneys for local public transportation agencies, that are available for administration and state

level planning functions may be expended during the period July 1, 1977, through March 31, 1978, to pay that share of the administration and planning activities of the department of transportation relating to nonhighway functions of the department, pending adoption of the department's supplemental budget as provided in section 25 of this 1977 amendatory act.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1977 amendatory act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 18. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1977 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 19. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1977 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 11 of this 1977 amendatory act to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 20. Section 1, chapter 7, Laws of 1977 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of ~~((highways))~~ transportation, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and

(13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 21. Section 2, chapter 7, Laws of 1977 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the ~~((director of highways))~~ secretary of transportation, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the ~~((director of highways))~~ secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate ~~((, when he shall present to that body his nomination for the office))~~. The ~~((director of highways))~~ secretary of transportation shall be appointed by the ~~((state highway))~~ transportation commission as prescribed by section 4 of this 1977 amendatory act, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 22. There is added to chapter 14.04 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 23. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the

Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 24. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in sections 22 and 23 of this 1977 amendatory act or any other act of the 1977 legislature.

NEW SECTION. Sec. 25. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the biennium ending June 30, 1979, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary. The preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1979, shall be submitted to the house and senate transportation committees for review by November 15, 1977.

NEW SECTION. Sec. 26. The chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of the department of motor vehicles are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the secretary of transportation on the matter of relative priorities during the development

of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of motor vehicle's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 27. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways, the director of aeronautics or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission or any one of their designees was on ~~((July 1, 1951))~~ the effective date of this 1977 amendatory act, designated or serving as a member of any board, commission, committee, or authority, ~~the ((state highway commission))~~ the chairman of the transportation commission or the chairman's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member.

Sec. 28. Section 7, chapter 74, Laws of 1967 and RCW 43.63A.070 are each amended to read as follows:

The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state((-));

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment((-): PROVIDED, That plan elements relating to transportation shall be in accord with the state-wide transportation policies and plans developed by the transportation commission pursuant to section 7 of this 1977 amendatory act;

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs((-));

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds((-));

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions in planning((-);

(6) Assist the ~~((central budget agency))~~ office of program planning and fiscal management in capital improvement programming and other programming activities((-);

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor.

Sec. 29. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the ~~((state highway))~~ transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the ~~((highway commission))~~ department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The ~~((highway commission))~~ department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways ~~((, which rules shall be administered by the department of highways))~~. The department ~~((of highways))~~ shall give public notice of closure or restriction. The ~~((highway commission))~~ department may ~~((further authorize the department of highways to))~~ issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 30. Section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090 are each amended to read as follows:

The ~~((state highway))~~ department of transportation, pursuant to rules adopted by the transportation commission with respect to ~~((primary and secondary))~~ state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the

maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 31. Section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the ~~((highway commission))~~ department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the ~~((highway commission))~~ department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not

reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the (~~highway commission~~) department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the (~~highway commission~~) department of transportation at least thirty days in advance of the proposed movement.

Sec. 32. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when (~~in the opinion of the highway commission~~) the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the (~~commission~~) department of transportation; (c) prior to issuing a permit a qualified (~~highway~~) transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the (~~highway commission~~) department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the (~~highway commission~~) department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall



width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the ~~((highway commission))~~ department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 33. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095 are each amended to read as follows:

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the ~~((state highway commission))~~ department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued ~~((under such rules and regulations and))~~ upon such terms and conditions as may be prescribed by the ~~((state highway))~~ department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the ~~((state highway commission))~~ department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit

from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The (~~(state highway commission)~~) department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the (~~(state highway commission)~~) department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The (~~(state highway commission)~~) department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 34. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the (~~(state highway commission)~~) secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, (~~(said commission)~~) the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The (~~(commission)~~) secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

Sec. 35. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the (~~(state highway commission)~~) secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever (~~(said commission)~~) the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the (~~(state highway commission)~~) secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the (~~(state highway commission)~~) department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the (~~(state highway commission)~~) secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary (~~(of the state highway commission)~~) shall (~~(mail)~~) cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 36. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under (~~(this act)~~) RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The (~~state highway commission~~) secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the (~~state highway commission~~) secretary of transportation.

Sec. 37. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the (~~state highway commission~~) secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the (~~commission~~) secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 38. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the (~~Washington state highway commission~~) secretary of transportation shall have

the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 39. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The ~~((state highway commission))~~ secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The ~~((state highway commission))~~ secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the ~~((state highway))~~ transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the ~~((state highway commission))~~ secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 40. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the ~~((state highway commission))~~ secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Sec. 41. Section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the ~~((state highway commission))~~ secretary of transportation has determined by ~~((resolution or))~~ order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The ~~((state highway commission))~~ secretary with respect to highways under ~~((its))~~ his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where ~~((in its opinion, as evidenced by resolution or))~~ the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the ~~((state highway commission))~~ department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the ~~((highway))~~ transportation commission has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the ~~((state highway))~~ transportation commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the ~~((highway))~~ transportation commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the ~~((board of))~~ county ((commissioners)) legislative authority. ~~((The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:~~

Adams .....	\$1,227.00
Asotin .....	1,629.00



Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department, and the annual reports of the county road departments:))

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as ((listed above)) provided for in subsection (e) of this subsection and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the ((highway)) transportation commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956, and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The ((state-highway)) transportation commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The ((highway)) transportation commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The ((highway)) transportation commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated((-));

(2) Average costs per trunk mile((-);

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted((-);

(4) Reassessment of bridge costs based on current information and relogging of bridges((-);

(5) The items in the list of resources used in determining the "need factor"((-);

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs((-);

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 43. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The (~~state highway commission~~) department of transportation is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system((-));

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);

(4) The "other state highway system".

In making such functional classification the (~~highway commission~~) department shall be governed by reasonable (~~rules and regulations~~) policies adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 44. Section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030 are each amended to read as follows:

The (~~state highway commission~~) department of transportation shall adopt and periodically revise in accordance with policies established by the transportation commission and 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 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 improvement needs for state highways as determined by the (~~highway commission~~) department 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))~~ department shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out the ~~((commission's))~~ department's highway planning objectives within a four-teen year advance planning period:

(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.

Sec. 45. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The ~~((state highway))~~ transportation commission, with the assistance of the department, shall ~~((prepare))~~ approve and present to the governor and to the legislature ~~((at the time of))~~ prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall 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.

Sec. 46. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the ~~((highway commission))~~ department of transportation is authorized to acquire such lands or interests in land in behalf of

the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the ~~((highway commission))~~ secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 47. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the ~~((Washington state highway commission))~~ department may agree with the owner to convey to ~~((him))~~ that person title to the old route or a part thereof as all or part consideration for ~~((his))~~ such land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the ~~((Washington state highway commission))~~ department may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The ~~((Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest))~~ secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Sec. 48. Section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070 are each amended to read as follows:

If the ~~((Washington state highway commission))~~ department deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, ~~((said highway commission))~~ the department may negotiate for the sale of the land to a city or county of the state. ~~((The state highway commission shall certify the agreement for the sale to the director of highways, with a description of the land and the terms of the sale, and the director of highways))~~ If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 49. Section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the ~~((highway commission))~~ secretary of transportation and the attorney general, such transfer and conveyance is consistent with public interest, the ~~((highway commission))~~ secretary may enter into agreements accordingly. Whenever the ~~((highway commission))~~ secretary shall make any such agreement for any such transfer or conveyance, and ~~((together with))~~ the attorney general concurs therein, ~~((certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the director of highways))~~ the secretary shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 50. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The ~~((highway commission))~~ department is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the ~~((highway commission))~~ department may determine.

Sec. 51. Section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130 are each amended to read as follows:

Whenever the ~~((state))~~ department ~~((of highways))~~ shall have title to any parcel of land acquired for highway purposes which the ~~((state highway commission))~~ secretary of transportation shall determine is not necessary for highway purposes, the ~~((commission))~~ secretary of transportation is authorized to ~~((cause))~~ deed such land ~~((to be deeded))~~ to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the ~~((highway commission))~~ department deems to be necessary for highway purposes. ~~((The director of highways shall execute the conveyances, which shall be duly acknowledged, necessary to carry out such exchange.))~~

Sec. 52. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the ~~((state highway))~~ department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the ~~((state highway commission))~~ department shall deem it best to sever from the land and sell as personal property, the same may be sold by the department ~~((of highways))~~ at public auction after due notice thereof shall have been given in accordance with

general regulations (~~((prescribed))~~) adopted by the (~~((state highway commission))~~) secretary. The (~~((state highway commission))~~) department may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the (~~((commission))~~) department, it shall be lawful for the (~~((commission))~~) department to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 53. Section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150 are each amended to read as follows:

Whenever the (~~((highway commission))~~) department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the (~~((state highway commission))~~) department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The (~~((director of highways, at the request of the state highway commission,))~~) secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

Sec. 54. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The (~~((Washington state highway commission))~~) department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the (~~((highway commission))~~) secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 55. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The (~~((highway))~~) transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the (~~((highway))~~) transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for

the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 56. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement~~((:));~~;

(2) A designation of the specific fund or funds to be used to carry out such agreement~~((:));~~;

(3) A provision that the ~~((highway commission))~~ department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the ~~((highway commission))~~ department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier~~((:));~~;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee~~((:));~~;

(5) Any additional provisions agreed upon by the ~~((highway))~~ transportation commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

Sec. 57. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The ~~((state highway))~~ transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the ~~((state highway commission))~~ department of transportation shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the ~~((state highway commission))~~ department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the ~~((state highway commission))~~ department of transportation to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the ~~((state highway commission))~~ department



that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the (~~(state highway commission)~~) department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 58. Section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140 are each amended to read as follows:

The (~~(assistant director of highways for state aid)~~) department of transportation shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 59. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the (~~(highway)~~) transportation commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The (~~(highway)~~) commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the (~~(highway)~~) commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The (~~(highway commission)~~) department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 60. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The (~~(highway commission)~~) secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 61. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The ~~((highway commission))~~ secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The ~~((highway commission))~~ department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location ~~((devised))~~ approved by the ~~((highway commission))~~ secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

Sec. 62. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The ~~((state highway commission))~~ secretary of transportation may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the ~~((commission))~~ secretary shall take into account the policies, rules, and regulations of the United States secretary of commerce and the ~~((bureau of public roads))~~ federal highway administration relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the ~~((commission))~~ secretary shall constitute the public policy of this state and shall have the force and effect of law.

Sec. 63. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the ~~((state highway commission))~~ department of transportation of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the ~~((state highway commission))~~ secretary of transportation within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred

to as the board. The request for hearing shall set forth the portions of the plan of the ~~((state highway commission))~~ department to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, as now or hereafter amended.

Sec. 64. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the ~~((state highway commission))~~ secretary of transportation shall appoint two members of the board ~~((who shall not be members of such commission))~~; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The ~~((state highway commission))~~ secretary of transportation shall appoint four members of the board ~~((who shall not be members of such commission))~~. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after ~~((the next meeting of the state highway commission immediately following))~~ the receipt of such a request by the ~~((commission))~~ secretary. In the event the ~~((state highway commission))~~ secretary or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the ~~((state highway commission))~~ secretary or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 65. Section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the ~~((state highway commission))~~ department of transportation. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the ~~((highway commission))~~ department of transportation

made by the board of review may thereafter be modified by stipulation of the parties.

Sec. 66. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The ~~((state highway commission))~~ department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries ~~((that may be authorized by the Washington toll bridge authority))~~, and the operation and maintenance thereof ~~((and the collection of tolls and charges thereon))~~. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The ~~((commission))~~ department shall have full charge of design of all toll facilities. The ~~((commission))~~ department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The ~~((highway commission))~~ department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 67. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The ~~((authority))~~ department of transportation may, with the approval of the transportation commission, provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the ~~((authority))~~ department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining ~~((: PROVIDED, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission))~~.

Sec. 68. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the ~~((highway))~~ transportation commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the ~~((highway))~~ commission shall ~~((submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall))~~ adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the ~~((Washington toll bridge authority))~~ commission be included in the same authority and issue of bonds.

Sec. 69. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

~~((Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission))~~ The department of transportation is empowered to secure right of way ~~((therefor))~~ for toll bridges and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 70. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the ~~((Washington toll bridge authority))~~ transportation commission should determine that any toll bridge should be constructed ~~((under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge))~~, all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 71. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the ~~((Washington state highway commission or the authority))~~ transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of

building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the transportation commission ~~((or the authority))~~ advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the ~~((authority))~~ commission to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the ~~((state highway))~~ commission ~~((or the authority))~~ be placed with the ~~((Washington toll bridge authority))~~ department of transportation to be sold by the ~~((authority))~~ department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the ~~((authority))~~ department to be used for the purpose for which contribution was made. The ~~((authority))~~ commission may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The ~~((authority))~~ commission may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 72. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the ~~((authority))~~ secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) held by the ~~((authority))~~ department is no longer required for purposes of the ~~((authority))~~ department, the ~~((authority))~~ department shall offer it for sale as authorized by RCW 47.56.252 or ~~((in the manner and with the authority authorized to the state highway commission by))~~ RCW 47.12.280. The ~~((authority))~~ department may adopt rules further implementing this section ~~((as granted to the highway commission by RCW 47.12.280)).~~

Sec. 73. Section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of ~~((the director of labor and industries of the state of Washington, ex officio, who shall be chairman of the board, and of four))~~ six members appointed by the governor and confirmed by the senate, and the secretary of the state department of transportation, or the secretary's designee who shall be an employee of the department of transportation, who shall be chairperson. Each of said appointed members shall be appointed for a term of four years from the date of ~~((his))~~ said member's commission. No person shall be eligible for appointment to said board unless ~~((he))~~ such person be at the time of ~~((his))~~ appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under

this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of their appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation ~~((or))~~, and management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of their appointment. One of said ~~((shipping men))~~ commissioners shall be a representative of American and one of ~~((them for))~~ foreign shipping. The remaining appointed commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on July 1, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, ~~((and))~~ except that the governor when first appointing commissioners after July 1, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointive position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum and five votes for or against any measure shall be needed to transact business. All commissioners and the chairperson shall have a vote.

Sec. 74. Section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020 are each amended to read as follows:

The office of the department of ~~((labor and industries))~~ transportation of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner other than the secretary or the secretary's designee shall receive the sum of ~~((twenty-five))~~ forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Sec. 75. Section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050 are each amended to read as follows:

~~((The commission))~~ In its capacity as successor to the canal commission, the department of transportation may:

(1) ~~((Shall))~~ Adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) ~~((Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of residence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.~~

~~(3) Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.~~

~~(4) Shall~~) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

~~((5) May))~~ (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the ((commission)) department of transportation.

~~((6) May))~~ (4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the ((canal commission)) department of transportation.

~~((7) May))~~ (5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the ((commission)) department shall hold a public hearing so that members of the public may present their views thereon.

~~((8) May))~~ (6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

~~((9) May))~~ (7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

~~((10) Is authorized))~~ (8) As a local sponsor ((to)) cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way ~~((and perform)), performing~~ all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

NEW SECTION. Sec. 76. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1977 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the



conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1977 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 77. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 78. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 79. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1977 amendatory act, be known and referred to as "Public Highways and Transportation". Chapters 14.04 and 91.12 RCW shall be recodified as part of Title 47 RCW.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030;

(2) Section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040;

(3) Section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050;

(4) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;

(5) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;

(6) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;

(7) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040;

(8) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;

(9) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;

(10) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;

(11) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;

(12) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;

(13) Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110;

(14) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;

(15) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;

(16) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160;

(17) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034;

(18) Section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020;

(19) Section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12-.030; and

(20) Section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040.

***\*NEW SECTION. Sec. 81. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1977.***

**\*Sec. 81. was vetoed, see message at end of chapter.**

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 2, 1977, with the exception of section 81 which is vetoed.

Filed in Office of Secretary of State June 2, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section, Substitute Senate Bill No. 2924 entitled:

"AN ACT Relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices;"

Section 81 of the bill declares an emergency and provides for the act to take effect July 1, 1977. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

This bill creates a new state agency with great responsibilities. Many provisions of the bill must be carefully studied and will require implementation. In addition, the selection of commissioners and consolidation of other agencies within the department of transportation will necessitate some time. For these reasons I see no need for the emergency clause and thus have respectfully vetoed the same. With the exception of section 81 which I have vetoed, the remainder of Substitute Senate Bill No. 2924 is approved."

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## CHAPTER 152

[Substitute Senate Bill No. 2383]

### STATE AND HIGHER EDUCATION PUBLIC EMPLOYMENT—SALARY AND FRINGE BENEFIT SURVEYS—JOB PERFORMANCE EVALUATION—TRAINING—RULES

AN ACT Relating to public employment; providing salary surveys; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; repealing section 9, chapter 1, Laws of 1961 and RCW 41.06.090; and declaring an emergency.

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