

towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles.

NEW SECTION. Sec. 4. There is added to chapter 47.30 RCW a new section to read as follows:

For the purposes of this chapter, "trail" or "path" means a public way constructed primarily for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for the exclusive use of pedestrians. The term "trail" or "path" also includes a widened shoulder of a highway, street, or road when the extra shoulder width is constructed to accommodate bicyclists consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

Passed the House March 30, 1979.

Passed the Senate April 19, 1979.

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CHAPTER 122

[Substitute House Bill No. 751]

HIGHWAY DEVELOPMENT—CLASSIFICATION AND PRIORITY PROGRAMMING

AN ACT Relating to classification and priority programming for highway development; amending section 1, chapter 130, Laws of 1977 ex. sess. and RCW 47.05.021; amending section 3, chapter 173, Laws of 1963 as last amended by section 44, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.030; amending section 2, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.035; amending section 4, chapter 173, Laws of 1963 as last amended by section 15, chapter 235, Laws of 1977 ex. sess. and RCW 47.05.040; amending section 4, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.051; amending section 6, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.055; amending section 7, chapter 173, Laws of 1963 as last amended by section 45, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.070; amending section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.180; and repealing section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess., section 43, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.020.

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

Section 1. Section 1, chapter 130, Laws of 1977 ex. sess. and RCW 47.05.021 are each amended to read as follows:

(1) The ((state highway)) transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the legislature biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications(~~(, except those highways designated as~~

~~part of the national system of interstate and defense highways,))~~ into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.

(3) In making the functional classification the ~~((highway))~~ transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(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 the 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 which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

Sec. 2. Section 3, chapter 173, Laws of 1963 as last amended by section 44, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.030 are each amended to read as follows:

The ~~((department of))~~ transportation commission 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 committees a long range plan for highway improvements)~~), a comprehensive six-year program and financial plan for highway improvements specifying ~~((highway planning))~~ program objectives for each of the highway categories, "A(~~(¹;~~)₂)," "B(~~(¹;~~)₂)," and "C(~~(¹;~~)₂)," defined in this section, ~~((based upon needs for the ensuing fourteen year advance planning period;))~~ and within the framework of ~~((revenue estimates))~~ estimated funds for such period. The program and plan shall be based upon the improvement needs for state highways as determined by the department from time to time.

With such reasonable deviations as may be required to effectively utilize the ~~((available))~~ estimated funds and to adjust to unanticipated delays in programmed projects, the ~~((department))~~ commission shall allocate the estimated ~~((available))~~ funds among the following described categories of highway improvements, so as to carry out the ~~((department's highway planning))~~ commission's program objectives ~~((within a fourteen 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. 3. Section 2, chapter 143, Laws of 1975 1st ex. sess. and RCW 47-.05.035 are each amended to read as follows:

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

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

(2) The commission in preparing the ~~((long range))~~ comprehensive six-year program and financial plan shall establish ~~((graduated rates of development of category A improvements according to functional class importance))~~ program objectives for each of the highway categories, A, B, and C.

Sec. 4. Section 4, chapter 173, Laws of 1963 as last amended by section 15, chapter 235, Laws of 1977 ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1st of each even-numbered year, the ~~((state highway))~~ transportation commission as provided in subsections (2), (3), and (4) of this section shall adopt and thereafter shall biennially revise, after consultation with the legislative transportation committee ((and senate and house transportation committees a)), the comprehensive six-year program and financial plan for highway ((construction, maintenance, and planning activities)) improvements, including program objectives, as specified in RCW 47.05.030 as now or hereafter amended.

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

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

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

Sec. 5. Section 4, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.051 are each amended to read as follows:

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

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

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

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

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

(5) The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select category A and B improvements to be included in the six-year program.

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

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

~~((6))~~ (7) The commission in selecting any project for improvement in categories A, B, or C may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the program, (b) as may be required by a court judgment, legally binding

agreement, or state and federal laws and regulations, (c) as may be required to coordinate with federal, local, or other state agency construction projects, (d) to take advantage of some substantial financial benefit that may be available, (e) for continuity of route development, or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects.

~~((7))~~ (8) The comprehensive six-year ~~((construction))~~ program and financial plan for highway improvements shall be revised biennially ~~((in accordance with revisions in functional classification or priority ratings resulting from changed conditions))~~ pursuant to RCW 47.05.040 as now or hereafter amended. The adopted program and plan shall be extended for an additional two years, to six years in the future, effective on July 1st of each odd-numbered year.

Sec. 6. Section 6, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.055 are each amended to read as follows:

The provisions of this ~~((1975))~~ 1979 amendatory act modifying existing procedures for priority programming for highway development as set forth in chapter 47.05 RCW, shall first apply to the ~~((long range plan for improvements))~~ comprehensive six-year program and financial plan for highway improvements for the period ~~((1977))~~ 1981 to ~~((1991, and shall first apply to the preparation of the six year highway construction program for the period 1977 to 1983))~~ 1987. For the ~~((biennium))~~ biennia ending June 30, ~~((1977))~~ 1979, and June 30, 1981, the commission may deviate from the existing long range plan and the six-year ~~((plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with))~~ program to accommodate the modified procedures prescribed by this ~~((1975))~~ 1979 amendatory act ~~((and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively))~~.

Sec. 7. Section 7, chapter 173, Laws of 1963 as last amended by section 45, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.070 are each amended to read as follows:

(1) The transportation commission ~~((, with the assistance of the department;))~~ shall approve and present to the governor and to the legislature 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 comprehensive six-year ~~((comprehensive))~~ program and financial plan adopted under provisions of RCW 44.40.070 and 47.05.040 as now or hereafter amended.

(2) Prior to October 1st of each odd-numbered year, the transportation commission shall prepare and adopt, and may thereafter revise from time to

time, a biennial operating budget for all of its activities in conformity with legislative appropriations.

Sec. 8. Section 24, chapter 83, Laws of 1967 ex. sess. as last amended by section 13, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as ~~((major))~~ principal arterials, ~~((secondary))~~ minor arterials, and collector arterials~~((; all in accordance with uniform standards established by the urban arterial board))~~: PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with ~~((its uniform standards for classifying urban arterials))~~ (1) existing designated federal route classifications, or (2) uniform classification standards established by the urban arterial board.

NEW SECTION. Sec. 9. Section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess., section 43, chapter 151, Laws of 1977 ex. sess. and RCW 47.05.020 are each repealed.

NEW SECTION. Sec. 10. If any provision of this 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.

Passed the House March 28, 1979.

Passed the Senate April 19, 1979.

Approved by the Governor May 2, 1979.

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CHAPTER 123

[House Bill No. 913]

TIDELANDS—LEASES—AQUACULTURE USE

AN ACT Relating to aquaculture; and amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568.

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