

(5) Nothing contained in this section shall apply to credit life or credit disability insurance.

Passed the House January 30, 1984.

Passed the Senate February 13, 1984.

Approved by the Governor February 20, 1984.

Filed in Office of Secretary of State February 20, 1984.

## CHAPTER 7

[Substitute House Bill No. 1146]

### DEPARTMENT OF TRANSPORTATION—REFERENCE CORRECTIONS

AN ACT Relating to transportation; amending section 4, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.040; amending section 5, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.050; amending section 11, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.110; amending section 6, chapter 182, Laws of 1945 and RCW 14.08.090; amending section 1, chapter 14, Laws of 1957 as last amended by section 2, chapter 74, Laws of 1961 and RCW 14.08.120; amending section 9, chapter 182, Laws of 1945 and RCW 14.08.160; amending section 11, chapter 182, Laws of 1945 as last amended by section 1, chapter 182, Laws of 1967 and RCW 14.08.200; amending section 1, chapter 157, Laws of 1929 as amended by section 1, chapter 205, Laws of 1969 ex. sess. and RCW 14.16.010; amending section 1, chapter 150, Laws of 1955 and RCW 14.20.010; amending section 2, chapter 150, Laws of 1955 as amended by section 1, chapter 135, Laws of 1983 and RCW 14.20.020; amending section 3, chapter 150, Laws of 1955 and RCW 14.20.030; amending section 4, chapter 150, Laws of 1955 and RCW 14.20.040; amending section 5, chapter 150, Laws of 1955 and RCW 14.20.050; amending section 6, chapter 150, Laws of 1955 and RCW 14.20.060; amending section 7, chapter 150, Laws of 1955 as last amended by section 2, chapter 135, Laws of 1983 and RCW 14.20.070; amending section 9, chapter 150, Laws of 1955 as last amended by section 3, chapter 135, Laws of 1983 and RCW 14.20.090; amending section 10, chapter 150, Laws of 1955 and RCW 14.20.100; amending section 8, chapter 125, Laws of 1929 as last amended by section 1, chapter 119, Laws of 1971 ex. sess. and RCW 17.04.180; amending section 35.21.260, chapter 7, Laws of 1965 as amended by section 29, chapter 75, Laws of 1977 and RCW 35.21.260; amending section 35.21.270, chapter 7, Laws of 1965 and RCW 35.21.270; amending section 35.76.040, chapter 7, Laws of 1965 and RCW 35.76.040; amending section 35.76.050, chapter 7, Laws of 1965 and RCW 35.76.050; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 7, chapter 317, Laws of 1977 ex. sess. and RCW 35.77.010; amending section 35.78.020, chapter 7, Laws of 1965 and RCW 35.78.020; amending section 35.78.040, chapter 7, Laws of 1965 and RCW 35.78.040; amending section 36.75.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 62, Laws of 1975 and RCW 36.75.010; amending section 36.75.030, chapter 4, Laws of 1963 and RCW 36.75.030; amending section 36.75.090, chapter 4, Laws of 1963 as amended by section 4, chapter 78, Laws of 1977 ex. sess. and RCW 36.75.090; amending section 36.75.100, chapter 4, Laws of 1963 and RCW 36.75.100; amending section 36.75.250, chapter 4, Laws of 1963 and RCW 36.75.250; amending section 36.75.260, chapter 4, Laws of 1963 as amended by section 31, chapter 75, Laws of 1977 and RCW 36.75.260; amending section 36.76.140, chapter 4, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1971 and RCW 36.76.140; amending section 9, chapter 120, Laws of 1965 ex. sess. as amended by section 1, chapter 257, Laws of 1977 ex. sess. and RCW 36.78.090; amending section 36.80.080, chapter 4, Laws of 1963 and RCW 36.80.080; amending section 36.82.150, chapter 4, Laws of 1963 and RCW 36.82.150; amending section 36.82.170, chapter 4, Laws of 1963 and RCW 36.82.170; amending section 36.82.180, chapter 4, Laws of 1963 and RCW 36.82.180; amending section 36.86.020, chapter 4, Laws of 1963 and RCW 36.86.020; amending section 36.86.030, chapter 4, Laws of 1963 and RCW 36.86.030; amending section 36.86.040, chapter 4, Laws of 1963 and RCW 36.86.040; amending section 36.88.015, chapter 4, Laws of 1963 as last amended by section 2, chapter 60, Laws of 1965 and RCW 36.88.015; amending section 3, chapter 109, Laws of 1967 as amended by section 3, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.030; amending section 3, chapter 70, Laws of 1967 and RCW 39.06.010; amending section 3, chapter 166, Laws of 1977

ex. sess. and RCW 39.08.090; amending section 28, chapter 1, Laws of 1961 as last amended by section 13, chapter 167, Laws of 1982 and RCW 41.06.280; amending section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880; amending section 2, chapter 15, Laws of 1973 1st ex. sess. and RCW 43.79A.020; amending section 1, chapter 80, Laws of 1969 ex. sess. and RCW 43.80.100; amending section 40, chapter 3, Laws of 1963 ex. sess. and RCW 46.16.061; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; amending section 2, chapter 88, Laws of 1977 ex. sess. and RCW 46.39.020; amending section 46.44.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 81, Laws of 1977 and RCW 46.44.020; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 3, chapter 149, Laws of 1979 ex. sess. and RCW 46.44.037; amending section 46.44.049, chapter 12, Laws of 1961 and RCW 46.44.049; amending section 46.44.093, chapter 12, Laws of 1961 and RCW 46.44.093; amending section 46.44.096, chapter 12, Laws of 1961 as last amended by section 18, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.096; amending section 1, chapter 38, Laws of 1965 as amended by section 19, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.098; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as amended by section 75, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.105; amending section 46.44.110, chapter 12, Laws of 1961 and RCW 46.44.110; amending section 2, chapter 1, Laws of 1973 1st ex. sess. as amended by section 77, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.140; amending section 3, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.173; amending section 14, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.085; amending section 21, chapter 155, Laws of 1965 ex. sess. as amended by section 3, chapter 33, Laws of 1972 ex. sess. and RCW 46.61.130; amending section 22, chapter 155, Laws of 1965 ex. sess. as amended by section 24, chapter 62, Laws of 1975 and RCW 46.61.135; amending section 2, chapter 133, Laws of 1974 ex. sess. and RCW 46.61.165; amending section 46.60.330, chapter 12, Laws of 1961 as amended by section 48, chapter 3, Laws of 1963 ex. sess. and RCW 46.61.195; amending section 46.60.340, chapter 12, Laws of 1961 and RCW 46.61.200; amending section 40, chapter 155, Laws of 1965 ex. sess. as last amended by section 28, chapter 62, Laws of 1975 and RCW 46.61.290; amending section 47, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.345; amending section 46.48.150, chapter 12, Laws of 1961 and RCW 46.61.380; amending section 1, chapter 39, Laws of 1977 ex. sess. and RCW 46.61.428; amending section 64, chapter 155, Laws of 1965 ex. sess. as last amended by section 20, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.560; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. as amended by section 11, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.150; amending section 1, chapter 12, Laws of 1973 2nd ex. sess. as amended by section 68, chapter 75, Laws of 1977 and RCW 47.01.141; amending section 78, chapter 145, Laws of 1967 ex. sess. as amended by section 6, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.145; amending section 47.01.170, chapter 13, Laws of 1961 and RCW 47.01.170; amending section 47.01.180, chapter 13, Laws of 1961 and RCW 47.01.180; amending section 47.01.190, chapter 13, Laws of 1961 and RCW 47.01.190; amending section 47.01.210, chapter 13, Laws of 1961 and RCW 47.01.210; amending section 47.01.220, chapter 13, Laws of 1961 as last amended by section 13, chapter 235, Laws of 1977 ex. sess. and RCW 47.01.220; amending section 10, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.240; amending section 1, chapter 167, Laws of 1965 ex. sess. as amended by section 14, chapter 235, Laws of 1977 ex. sess. and RCW 47.02.010; amending section 8, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.080; amending section 47.04.020, chapter 13, Laws of 1961 as last amended by section 41, chapter 145, Laws of 1967 ex. sess. and RCW 47.04.020; amending section 47.04.060, chapter 13, Laws of 1961 and RCW 47.04.060; amending section 47.04.070, chapter 13, Laws of 1961 and RCW 47.04.070; amending section 47.04.080, chapter 13, Laws of 1961 as amended by section 11, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.04.080; amending section 63, chapter 170, Laws of 1965 ex. sess. as amended by section 13, chapter 108, Laws of 1967 and RCW 47.04.081; amending section 34, chapter 170, Laws of 1965 ex. sess. as amended by section 12, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.04.100; amending section 1, chapter 65, Laws of 1975-'76 2nd ex. sess. and RCW 47.04.140; amending section 47.08.010, chapter 13, Laws of 1961 and RCW 47.08.010; amending section 47.08.040, chapter 13, Laws of 1961 and RCW 47.08.040; amending section 47.08.050, chapter 13, Laws of 1961 and RCW 47.08.050; amending section 47.08.070, chapter 13, Laws of 1961 as amended by section 3, chapter 108, Laws of 1967 and RCW 47.08.070; amending section 47.08.080, chapter 13, Laws of 1961 as amended by section 22, chapter 106, Laws of 1973 and RCW 47.08.080; amending section 47.08.090, chapter 13, Laws of 1961 as amended

by section 23, chapter 106, Laws of 1973 and RCW 47.08.090; amending section 47.08.100, chapter 13, Laws of 1961 as amended by section 24, chapter 106, Laws of 1973 and RCW 47.08.100; amending section 47.08.130, chapter 13, Laws of 1961 and RCW 47.08.130; amending section 47.10.070, chapter 13, Laws of 1961 and RCW 47.10.070; amending section 47.10.110, chapter 13, Laws of 1961 and RCW 47.10.110; amending section 47.10.210, chapter 13, Laws of 1961 and RCW 47.10.210; amending section 47.10.340, chapter 13, Laws of 1961 and RCW 47.10.340; amending section 47.10.360, chapter 13, Laws of 1961 and RCW 47.10.360; amending section 47.10.470, chapter 13, Laws of 1961 and RCW 47.10.470; amending section 47.10.716, chapter 13, Laws of 1961 and RCW 47.10.716; amending section 47.10.718, chapter 13, Laws of 1961 and RCW 47.10.718; amending section 7, chapter 121, Laws of 1965 and RCW 47.10.732; amending section 9, chapter 121, Laws of 1965 and RCW 47.10.734; amending section 9, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.757; amending section 13, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.761; amending section 19, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.767; amending section 20, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.768; amending section 47.12.011, chapter 13, Laws of 1961 and RCW 47.12.011; amending section 1, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.023; amending section 2, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.026; amending section 3, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.029; amending section 47.12.040, chapter 13, Laws of 1961 and RCW 47.12.040; amending section 47.12.050, chapter 13, Laws of 1961 and RCW 47.12.050; amending section 2, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.066; reenacting and amending section 47.12.080, chapter 13, Laws of 1961 as last amended by section 5, chapter 78, Laws of 1977 ex. sess. and by section 49, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.080; amending section 47.12.160, chapter 13, Laws of 1961 and RCW 47.12.160; amending section 1, chapter 281, Laws of 1961 as amended by section 1, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.180; amending section 7, chapter 281, Laws of 1961 and RCW 47.12.240; amending section 7, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.244; amending section 9, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.246; amending section 10, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.248; amending section 62, chapter 170, Laws of 1965 ex. sess. as amended by section 5, chapter 108, Laws of 1967 and RCW 47.12.250; amending section 1, chapter 18, Laws of 1973 2nd ex. sess. and RCW 47.12.270; amending section 7, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.320; amending section 32, chapter 51, Laws of 1970 ex. sess. as last amended by section 3, chapter 63, Laws of 1975 and RCW 47.17.155; amending section 71, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.350; amending section 76, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.375; amending section 18, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.417; amending section 92, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.455; amending section 129, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.640; amending section 147, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.730; amending section 151, chapter 51, Laws of 1970 ex. sess. as amended by section 18, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.750; amending section 171, chapter 51, Laws of 1970 ex. sess. as last amended by section 16, chapter 235, Laws of 1977 ex. sess. and RCW 47.17.850; amending section 47.20.570, chapter 13, Laws of 1961 as amended by section 173, chapter 51, Laws of 1970 ex. sess. and RCW 47.20.570; amending section 47.20.580, chapter 13, Laws of 1961 as amended by section 174, chapter 51, Laws of 1970 ex. sess. and RCW 47.20.580; amending section 47.20.590, chapter 13, Laws of 1961 and RCW 47.20.590; amending section 47.20.600, chapter 13, Laws of 1961 and RCW 47.20.600; amending section 47.20.605, chapter 13, Laws of 1961 and RCW 47.20.605; amending section 47.20.610, chapter 13, Laws of 1961 and RCW 47.20.610; amending section 47.20.630, chapter 13, Laws of 1961 and RCW 47.20.630; amending section 47.20.635, chapter 13, Laws of 1961 and RCW 47.20.635; amending section 47.20.640, chapter 13, Laws of 1961 as amended by section 44, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.640; amending section 1, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.645; amending section 47.24.020, chapter 13, Laws of 1961 as last amended by section 7, chapter 78, Laws of 1977 ex. sess. and RCW 47.24.020; amending section 47.24.030, chapter 13, Laws of 1961 and RCW 47.24.030; amending section 47.24.050, chapter 13, Laws of 1961 and RCW 47.24.050; amending section 10, chapter 83, Laws of 1967 ex. sess. as last amended by section 12, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.040; amending section 13, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.070; amending section 22, chapter 83, Laws of 1967 ex. sess. as last amended by section 17, chapter 235, Laws of 1977 ex. sess. and RCW 47.26.160; amending section 23, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.170; amending section 4, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.185; amending

section 29, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.230; amending section 35, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.290; amending section 3, chapter 141, Laws of 1974 ex. sess. and RCW 47.26.310; amending section 36, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.400; amending section 44, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.410; amending section 54, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.440; amending section 47.28.020, chapter 13, Laws of 1961 and RCW 47.28.020; amending section 47.28.025, chapter 13, Laws of 1961 as amended by section 1, chapter 225, Laws of 1977 ex. sess. and RCW 47.28.025; amending section 47.28.026, chapter 13, Laws of 1961 as amended by section 2, chapter 225, Laws of 1977 ex. sess. and RCW 47.28.026; amending section 47.28.040, chapter 13, Laws of 1961 and RCW 47.28.040; amending section 47.28.060, chapter 13, Laws of 1961 as last amended by section 1, chapter 36, Laws of 1971 and RCW 47.28.060; amending section 47.28.070, chapter 13, Laws of 1961 as amended by section 39, chapter 145, Laws of 1967 ex. sess. and RCW 47.28.070; amending section 47.28.080, chapter 13, Laws of 1961 and RCW 47.28.080; amending section 47.28.100, chapter 13, Laws of 1961 and RCW 47.28.100; amending section 47.28.110, chapter 13, Laws of 1961 and RCW 47.28.110; amending section 47.28.120, chapter 13, Laws of 1961 and RCW 47.28.120; amending section 47.28.140, chapter 13, Laws of 1961 as amended by section 6, chapter 108, Laws of 1967 and RCW 47.28.140; amending section 1, chapter 89, Laws of 1971 ex. sess. and RCW 47.28.170; amending section 47.32.010, chapter 13, Laws of 1961 and RCW 47.32.010; amending section 47.32.020, chapter 13, Laws of 1961 as amended by section 46, chapter 292, Laws of 1971 ex. sess. and RCW 47.32.020; amending section 47.32.030, chapter 13, Laws of 1961 and RCW 47.32.030; amending section 47.32.040, chapter 13, Laws of 1961 and RCW 47.32.040; amending section 47.32.060, chapter 13, Laws of 1961 and RCW 47.32.060; amending section 47.32.100, chapter 13, Laws of 1961 and RCW 47.32.100; amending section 47.32.110, chapter 13, Laws of 1961 and RCW 47.32.110; amending section 47.32.120, chapter 13, Laws of 1961 and RCW 47.32.120; amending section 47.32.130, chapter 13, Laws of 1961 and RCW 47.32.130; amending section 47.32.150, chapter 13, Laws of 1961 and RCW 47.32.150; amending section 47.32.160, chapter 13, Laws of 1961 and RCW 47.32.160; amending section 47.32.170, chapter 13, Laws of 1961 and RCW 47.32.170; amending section 47.36.010, chapter 13, Laws of 1961 and RCW 47.36.010; amending section 47.36.040, chapter 13, Laws of 1961 and RCW 47.36.040; amending section 47.36.050, chapter 13, Laws of 1961 and RCW 47.36.050; amending section 47.36.053, chapter 13, Laws of 1961 and RCW 47.36.053; amending section 47.36.060, chapter 13, Laws of 1961 and RCW 47.36.060; amending section 47.36.070, chapter 13, Laws of 1961 and RCW 47.36.070; amending section 47.36.080, chapter 13, Laws of 1961 and RCW 47.36.080; amending section 47.36.090, chapter 13, Laws of 1961 and RCW 47.36.090; amending section 1, chapter 24, Laws of 1963 as amended by section 43, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.095; amending section 46, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.097; amending section 47.36.100, chapter 13, Laws of 1961 as amended by section 38, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.100; amending section 47.36.110, chapter 13, Laws of 1961 as amended by section 49, chapter 3, Laws of 1963 ex. sess. and RCW 47.36.110; amending section 47.36.120, chapter 13, Laws of 1961 and RCW 47.36.120; amending section 47.36.180, chapter 13, Laws of 1961 and RCW 47.36.180; amending section 47.36.200, chapter 13, Laws of 1961 and RCW 47.36.200; amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250; amending section 29, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.010; amending section 30, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.020; amending section 32, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.040; amending section 3, chapter 85, Laws of 1967 ex. sess. and RCW 47.39.030; amending section 4, chapter 85, Laws of 1967 ex. sess. and RCW 47.39.040; amending section 6, chapter 85, Laws of 1967 ex. sess. and RCW 47.39.060; amending section 47.40.020, chapter 13, Laws of 1961 and RCW 47.40.020; amending section 47.40.030, chapter 13, Laws of 1961 and RCW 47.40.030; amending section 47.40.050, chapter 13, Laws of 1961 and RCW 47.40.050; amending section 47.40.060, chapter 13, Laws of 1961 and RCW 47.40.060; amending section 47.40.070, chapter 13, Laws of 1961 and RCW 47.40.070; amending section 48, chapter 281, Laws of 1969 ex. sess. and RCW 47.40.090; amending section 2, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.020; amending section 3, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.030; amending section 4, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.040; amending section 5, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.050; amending section 7, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.070; amending section 8, chapter 101, Laws of 1971 ex. sess. and RCW 47.41.080; amending section 2, chapter 96, Laws of 1961 as last

amended by section 1, chapter 258, Laws of 1977 ex. sess. and RCW 47.42.020; amending section 2, chapter 80, Laws of 1974 ex. sess. and RCW 47.42.046; amending section 4, chapter 80, Laws of 1974 ex. sess. and RCW 47.42.047; amending section 2, chapter 258, Laws of 1977 ex. sess. and RCW 47.42.055; amending section 6, chapter 96, Laws of 1961 as amended by section 6, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.060; amending section 8, chapter 96, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1975-'76 2nd ex. sess. and RCW 47.42.080; amending section 9, chapter 96, Laws of 1961 and RCW 47.42.090; amending section 13, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.103; amending section 14, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.104; amending section 11, chapter 96, Laws of 1961 as amended by section 16, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.110; amending section 12, chapter 96, Laws of 1961 as amended by section 17, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.120; amending section 13, chapter 96, Laws of 1961 and RCW 47.42.130; amending section 47.44.030, chapter 13, Laws of 1961 and RCW 47.44.030; amending section 47.44.031, chapter 13, Laws of 1961 and RCW 47.44.031; amending section 47.44.040, chapter 13, Laws of 1961 as amended by section 8, chapter 108, Laws of 1967 and RCW 47.44.040; amending section 47.44.050, chapter 13, Laws of 1961 and RCW 47.44.050; amending section 47.48.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 216, Laws of 1977 ex. sess. and RCW 47.48.010; amending section 47.52.020, chapter 13, Laws of 1961 and RCW 47.52.020; amending section 3, chapter 133, Laws of 1974 ex. sess. and RCW 47.52.026; amending section 47.52.090, chapter 13, Laws of 1961 as last amended by section 8, chapter 78, Laws of 1977 ex. sess. and RCW 47.52.090; amending section 47.52.105, chapter 13, Laws of 1961 as amended by section 1, chapter 117, Laws of 1967 and RCW 47.52.105; amending section 1, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.131; amending section 47.52.160, chapter 13, Laws of 1961 as amended by section 4, chapter 103, Laws of 1963 and RCW 47.52.160; amending section 47.52.190, chapter 13, Laws of 1961 as amended by section 5, chapter 103, Laws of 1963 and RCW 47.52.190; amending section 47.56.010, chapter 13, Laws of 1961 and RCW 47.56.010; amending section 9, chapter 278, Laws of 1961 and RCW 47.56.032; amending section 47.56.040, chapter 13, Laws of 1961 and RCW 47.56.040; amending section 47.56.042, chapter 13, Laws of 1961 and RCW 47.56.042; amending section 47.56.050, chapter 13, Laws of 1961 as amended by section 25, chapter 106, Laws of 1973 and RCW 47.56.050; amending section 47.56.060, chapter 13, Laws of 1961 and RCW 47.56.060; amending section 47.56.075, chapter 13, Laws of 1961 and RCW 47.56.075; amending section 47.56.077, chapter 13, Laws of 1961 and RCW 47.56.077; amending section 47.56.100, chapter 13, Laws of 1961 as amended by section 4, chapter 103, Laws of 1977 ex. sess. and RCW 47.56.100; amending section 47.56.110, chapter 13, Laws of 1961 and RCW 47.56.110; amending section 47.56.130, chapter 13, Laws of 1961 and RCW 47.56.130; amending section 47.56.150, chapter 13, Laws of 1961 and RCW 47.56.150; amending section 47.56.160, chapter 13, Laws of 1961 and RCW 47.56.160; amending section 47.56.170, chapter 13, Laws of 1961 and RCW 47.56.170; amending section 47.56.180, chapter 13, Laws of 1961 as amended by section 26, chapter 106, Laws of 1973 and RCW 47.56.180; amending section 47.56.190, chapter 13, Laws of 1961 and RCW 47.56.190; amending section 47.56.200, chapter 13, Laws of 1961 and RCW 47.56.200; amending section 47.56.210, chapter 13, Laws of 1961 and RCW 47.56.210; amending section 47.56.230, chapter 13, Laws of 1961 and RCW 47.56.230; amending section 47.56.240, chapter 13, Laws of 1961 and RCW 47.56.240; amending section 48, chapter 145, Laws of 1967 ex. sess. and RCW 47.56.242; amending section 47.56.245, chapter 13, Laws of 1961 as amended by section 53, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.245; amending section 1, chapter 258, Laws of 1961 and RCW 47.56.247; amending section 2, chapter 258, Laws of 1961 and RCW 47.56.248; amending section 2, chapter 257, Laws of 1961 and RCW 47.56.253; amending section 4, chapter 257, Laws of 1961 as amended by section 4, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.255; amending section 5, chapter 257, Laws of 1961 as amended by section 12, chapter 108, Laws of 1967 and RCW 47.56.256; amending section 47.56.284, chapter 13, Laws of 1961 and RCW 47.56.284; amending section 47.56.286, chapter 13, Laws of 1961 and RCW 47.56.286; amending section 54, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.287; amending section 47.56.345, chapter 13, Laws of 1961 and RCW 47.56.345; amending section 2, chapter 240, Laws of 1963 and RCW 47.56.366; amending section 47.56.380, chapter 13, Laws of 1961 and RCW 47.56.380; amending section 47.56.390, chapter 13, Laws of 1961 and RCW 47.56.390; amending section 47.56.400, chapter 13, Laws of 1961 and RCW 47.56.400; amending section 47.56.490, chapter 13, Laws of 1961 and RCW 47.56.490; amending section 3, chapter 197, Laws of 1963 and RCW 47.56.702; amending section 4, chapter 197, Laws of 1963 and RCW 47.56.703; amending section 5, chapter 197, Laws of

1963 and RCW 47.56.704; amending section 1, chapter 254, Laws of 1971 ex. sess. as last amended by section 1, chapter 11, Laws of 1977 and RCW 47.56.720; amending section 1, chapter 21, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 51, Laws of 1977 and RCW 47.56.725; amending section 1, chapter 10, Laws of 1974 ex. sess. and RCW 47.56.730; amending section 47.58.010, chapter 13, Laws of 1961 and RCW 47.58.010; amending section 47.58.020, chapter 13, Laws of 1961 and RCW 47.58.020; amending section 47.58.030, chapter 13, Laws of 1961 and RCW 47.58.030; amending section 47.58.040, chapter 13, Laws of 1961 as last amended by section 27, chapter 106, Laws of 1973 and RCW 47.58.040; amending section 47.58.050, chapter 13, Laws of 1961 and RCW 47.58.050; amending section 47.58.060, chapter 13, Laws of 1961 and RCW 47.58.060; amending section 47.58.080, chapter 13, Laws of 1961 and RCW 47.58.080; amending section 47.58.090, chapter 13, Laws of 1961 and RCW 47.58.090; amending section 47.60.010, chapter 13, Laws of 1961 and RCW 47.60.010; amending section 47.60.015, chapter 13, Laws of 1961 and RCW 47.60.015; amending section 47.60.020, chapter 13, Laws of 1961 and RCW 47.60.020; amending section 47.60.030, chapter 13, Laws of 1961 and RCW 47.60.030; amending section 47.60.040, chapter 13, Laws of 1961 and RCW 47.60.040; amending section 47.60.050, chapter 13, Laws of 1961 and RCW 47.60.050; amending section 47.60.060, chapter 13, Laws of 1961 as last amended by section 28, chapter 106, Laws of 1973 and RCW 47.60.060; amending section 47.60.080, chapter 13, Laws of 1961 and RCW 47.60.080; amending section 47.60.090, chapter 13, Laws of 1961 and RCW 47.60.090; amending section 47.60.113, chapter 13, Laws of 1961 and RCW 47.60.113; amending section 47.60.114, chapter 13, Laws of 1961 and RCW 47.60.114; amending section 47.60.120, chapter 13, Laws of 1961 and RCW 47.60.120; amending section 47.60.122, chapter 13, Laws of 1961 and RCW 47.60.122; amending section 47.60.124, chapter 13, Laws of 1961 and RCW 47.60.124; amending section 47.60.126, chapter 13, Laws of 1961 and RCW 47.60.126; amending section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140; amending section 47.60.160, chapter 13, Laws of 1961 and RCW 47.60.160; amending section 47.60.170, chapter 13, Laws of 1961 as amended by section 6, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.170; amending section 47.60.200, chapter 13, Laws of 1961 and RCW 47.60.200; amending section 47.60.210, chapter 13, Laws of 1961 and RCW 47.60.210; amending section 47.60.220, chapter 13, Laws of 1961 and RCW 47.60.220; amending section 47.60.230, chapter 13, Laws of 1961 and RCW 47.60.230; amending section 47.60.240, chapter 13, Laws of 1961 and RCW 47.60.240; amending section 47.60.250, chapter 13, Laws of 1961 as amended by section 3, chapter 164, Laws of 1967 and RCW 47.60.250; amending section 47.60.260, chapter 13, Laws of 1961 and RCW 47.60.260; amending section 47.60.270, chapter 13, Laws of 1961 and RCW 47.60.270; amending section 47.60.280, chapter 13, Laws of 1961 and RCW 47.60.280; amending section 1, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.282; amending section 2, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.283; amending section 47.60.300, chapter 13, Laws of 1961 and RCW 47.60.300; amending section 18, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.350; amending section 20, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.370; amending section 22, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.390; amending section 2, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.410; amending section 3, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.420; amending section 6, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.450; amending section 9, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.470; amending section 1, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.500; amending section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540; amending section 1, chapter 69, Laws of 1975-'76 2nd ex. sess. and RCW 47.60.550; amending section 1, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.560; amending section 6, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.610; amending section 1, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.010; amending section 9, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.090; amending section 47.64.060, chapter 13, Laws of 1961 and RCW 47.64.060; amending section 47.64.080, chapter 13, Laws of 1961 and RCW 47.64.080; amending section 1, chapter 165, Laws of 1947 and RCW 47.68.020; amending section 6, chapter 165, Laws of 1947 and RCW 47.68.060; amending section 7, chapter 165, Laws of 1947 and RCW 47.68.070; amending section 5, chapter 252, Laws of 1945 as amended by section 8, chapter 165, Laws of 1947 and RCW 47.68.080; amending section 10, chapter 165, Laws of 1947 and RCW 47.68.100; amending section 12, chapter 165, Laws of 1947 and RCW 47.68.120; amending section 13, chapter 165, Laws of 1947 and RCW 47.68.130; amending section 15, chapter 165, Laws of 1947 and RCW 47.68.150; amending section 17, chapter 165, Laws of 1947 and RCW 47.68.170; amending section 18, chapter 165, Laws of 1947 and RCW 47.68.180; amending section 1, chapter 73, Laws of 1963

and RCW 47.68.185; amending section 19, chapter 165, Laws of 1947 and RCW 47.68.190; amending section 20, chapter 165, Laws of 1947 and RCW 47.68.200; amending section 2, chapter 207, Laws of 1967 as amended by section 143, chapter 3, Laws of 1983 and RCW 47.68.233; amending section 28, chapter 165, Laws of 1947 and RCW 47.68.280; amending section 29, chapter 165, Laws of 1947 and RCW 47.68.290; amending section 30, chapter 165, Laws of 1947 and RCW 47.68.300; amending section 31, chapter 165, Laws of 1947 as amended by section 1, chapter 204, Laws of 1955 and RCW 47.68.310; amending section 32, chapter 165, Laws of 1947 and RCW 47.68.320; amending section 2, chapter 263, Laws of 1961 and RCW 47.68.340; amending section 3, chapter 263, Laws of 1961 and RCW 47.68.350; amending section 1, chapter 73, Laws of 1975-'76 2nd ex. sess. and RCW 47.68.370; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 69, Laws of 1977 ex. sess. and RCW 49.46.010; amending section 1, chapter 236, Laws of 1959 and RCW 53.34.010; amending section 18, chapter 236, Laws of 1959 and RCW 53.34.180; amending section 2, chapter 159, Laws of 1973 1st ex. sess. and RCW 58.22.020; amending section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140; amending section 69, chapter 247, Laws of 1943 as last amended by section 1, chapter 217, Laws of 1959 and RCW 68.24.180; amending section 7, chapter 186, Laws of 1947 and RCW 79.24.160; amending section 2, chapter 161, Laws of 1977 ex. sess. and RCW 79.72.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 81.53.030, chapter 14, Laws of 1961 and RCW 81.53.030; amending section 81.53.060, chapter 14, Laws of 1961 as amended by section 8, chapter 210, Laws of 1969 ex. sess. and RCW 81.53.060; amending section 81.53.240, chapter 14, Laws of 1961 as amended by section 8, chapter 134, Laws of 1969 and RCW 81.53.240; amending section 4, chapter 36, Laws of 1972 ex. sess. and RCW 81.96.030; amending section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.400; amending section 6, chapter 26, Laws of 1949 and RCW 85.16.070; amending section 177, chapter 72, Laws of 1937 and RCW 86.09.529; amending section 1, chapter 303, Laws of 1959 and RCW 87.03.810; amending section 2, chapter 303, Laws of 1959 and RCW 87.03.815; amending section 1, chapter 174, Laws of 1955 and RCW 88.28.055; amending section 2, chapter 33, Laws of 1951 and RCW 88.32.250; amending section 4, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.020; amending section 1, chapter 202, Laws of 1927 as amended by section 1, chapter 154, Laws of 1929 and RCW 90.28.010; amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140; decodifying RCW 47.56.260; decodifying RCW 47.56.261; decodifying RCW 47.56.274; decodifying RCW 47.56.275; decodifying RCW 47.56.276; decodifying RCW 47.56.277; decodifying RCW 47.56.278; decodifying RCW 47.56.281; decodifying RCW 47.56.283; decodifying RCW 47.56.285; decodifying RCW 47.61.120; decodifying RCW 47.65.060; decodifying RCW 47.65.080; repealing section 3, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.649; repealing section 4, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.651; repealing section 34, chapter 83, Laws of 1967 ex. sess., section 5, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.280; repealing section 6, chapter 278, Laws of 1961 and RCW 47.56.027; repealing section 7, chapter 278, Laws of 1961 and RCW 47.56.029; repealing section 47.56.570, chapter 13, Laws of 1961 and RCW 47.56.570; repealing section 47.65.091, chapter 13, Laws of 1961 and RCW 47.65.091; and repealing section 37, chapter 165, Laws of 1947 and RCW 47.68.910.

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

Sec. 1. Section 4, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.040 are each amended to read as follows:

(1) Whenever the acquisition of real property for a program or project undertaken by the state or a local public body will result in the displacement of any person on or after July 1, 1971, the acquiring agency shall make a payment to any displaced person, upon proper application as approved by the agency, for((=));

(a) Actual, reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the acquiring agency; and

(c) Actual reasonable expenses in searching for a replacement business or farm.

(2) Any displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, determined according to a schedule established by the state (~~(highway commission)~~) department of transportation, not to exceed three hundred dollars(~~(:)~~), and a dislocation allowance of two hundred dollars.

(3) Any displaced person eligible for payments under subsection (1) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a business, no payment (~~(staff)~~) may be made under this subsection unless the acquiring agency is satisfied that the business:

(a) Cannot be relocated without a substantial loss of its existing patronage(~~(:)~~); and

(b) Is not a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For the purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal or local income taxes, during the two taxable years immediately preceding the taxable year in which (~~(such)~~) the business or farm operation moves from the real property acquired for (~~(such)~~) the project, or during such other period as the acquiring agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

Sec. 2. Section 5, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.050 are each amended to read as follows:

(1) In addition to payments otherwise authorized by this chapter, the state or local public body shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by (~~(such)~~) the displaced person for not less than one hundred eighty days (~~(prior to)~~) before the initiation of negotiations for the acquisition of the property. (~~(Such)~~) The additional payment shall include the following elements:



(a) The amount, if any, which when added to the acquisition costs of the dwelling acquired, equals the reasonable cost of a dwelling adequate to accommodate ~~((such))~~ the displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subsection shall be made in accordance with standards established by the state ~~((highway commission))~~ department of transportation.

(b) The amount, if any, which will compensate ~~((such))~~ the displaced person for any increased interest costs which ~~((such))~~ the person is required to pay for financing the acquisition of any ~~((such))~~ comparable replacement dwelling. ~~((Such))~~ This amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on ~~((such))~~ the dwelling for not less than one hundred eighty days ~~((prior to))~~ before the initiation of negotiations for the acquisition of ~~((such))~~ the dwelling. ~~((Such))~~ This amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder of the term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to RCW 8.26.110.

(c) Reasonable expenses incurred by ~~((such))~~ the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives from the acquiring agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

Sec. 3. Section 11, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.110 are each amended to read as follows:

(1) The ~~((director of the planning and community affairs agency))~~ state secretary of transportation after full consultation with the ~~((department of highways and the))~~ department of general administration shall adopt such rules ~~((and regulations))~~ consistent with this chapter and Public Law 91-646, as may be necessary to assure:

(a) That the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and ~~((is))~~ as uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for ~~((such))~~ that person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(c) That any person aggrieved by a determination as to eligibility for payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the executive head of the state agency or local public body.

(2) The ~~((director of the planning and community affairs agency))~~ state secretary of transportation after full consultation with the ~~((department of highways and))~~ department of general administration may prescribe such other regulations and procedures, consistent with the provisions of this chapter, as ~~((he deems))~~ deemed necessary or appropriate to carry out this chapter.

Sec. 4. Section 6, chapter 182, Laws of 1945 and RCW 14.08.090 are each amended to read as follows:

Any bonds to be issued by any municipality pursuant to the provisions of this chapter shall be authorized and issued in the manner and within the limitation prescribed by the Constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, ~~((provided))~~ if the plan and system resolution ((be)) are approved by the ((director of aeronautics)) secretary of transportation or the ~~((department [division]))~~ division of municipal corporations.

Sec. 5. Section 1, chapter 14, Laws of 1957 as last amended by section 2, chapter 74, Laws of 1961 and RCW 14.08.120 are each amended to read as follows:

In addition to the general powers conferred in this chapter ~~((conferred))~~, and without limitation thereof, a municipality ~~((which))~~ that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or ~~((which))~~ that has acquired or set apart or may hereafter acquire or set apart real property for ~~((such))~~ that purpose or purposes is ~~((hereby))~~ authorized:

(1) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board, or body of ~~((such))~~ the municipality by ordinance or resolution ~~((which shall))~~ that prescribes the powers and duties of ~~((such))~~ the officer, board, or body; and ~~((such))~~ the municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of ~~((such))~~ the municipality by an ordinance or resolution ~~((which shall))~~ that includes (a) the terms of office, which may not ((to)) exceed six years and which ~~((terms))~~ shall be staggered so that not more than three terms will expire in the same year, (b) the method of appointment and filling vacancies, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission

business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development. The expense of ~~((such))~~ the construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, and regulation ~~((shall be a))~~ are the responsibility of the municipality.

(2) To adopt and amend all ~~((needful))~~ needed rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or ~~((without))~~ outside the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire protection equipment and facilities, and the right to contract with any private body or political subdivision of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of ~~((said))~~ the rules, regulations, and ordinances, and enforce ~~((said))~~ those penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, ~~((such))~~ that part of all highways, roads, streets, avenues, boulevards, and territory ~~((as))~~ that adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter ~~((shall be))~~ is under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within ~~((such))~~ the municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They ~~((must))~~ shall conform to and be consistent with the laws of this state and the rules ~~((and regulations))~~ of the ~~((aeronautics commission of the))~~ state department of transportation and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(3) ~~((Municipalities operating airports may))~~ To create a special airport fund, and provide that all receipts from the operation of ~~((such airports))~~ the airport be deposited in ~~((such))~~ the fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction, or operation of airports or airport facilities.

(4) To lease ~~((such))~~ airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any

municipal or state government or the national government, or any department ~~((of either))~~ thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department ~~((of either))~~ thereof, for operation or use consistent with the purposes of this chapter. space, area, improvements, or equipment of such airports; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities: PROVIDED, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(5) ~~((Such municipality))~~ Acting through its governing body ~~((may))~~, to sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under ~~((subdivision))~~ subsection (1) of this section, may lease any airport property for aircraft landings, aircraft takeoffs, or related aeronautic purposes ~~((:PROVIDED, That))~~. If there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs, or related aeronautic purposes, then the municipal airport commission may lease such space, land, area, or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area, or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions ~~((as))~~ that seem just and proper to the municipal airport commission ~~((may seem just and proper. PROVIDED, That))~~. Any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing, or industrial purpose or operation relating to, identified with, or in any way dependent upon the use, operation, or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed seventy-five years ~~((:AND PROVIDED FURTHER, That))~~, but any such lease of real property made for a longer period than ten years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five-year period thereafter, to be readjusted at the commencement of each such period ~~((:))~~ if written request for ~~((such))~~ readjustment is given by either party to the other at least thirty days before the commencement of the five-year period ~~((in respect of))~~ for which ~~((such))~~ the readjustment is requested. If ~~((in such event))~~ the parties cannot agree upon the rentals for

~~((such))~~ the five-year period, they shall submit to have the disputed rentals for ~~((such five year))~~ the period adjusted by arbitration. The lessee shall pick one arbitrator, and the governing body of the municipality shall pick one, and the two so chosen shall select a third ~~((and such board of arbitrators))~~ . After a review of all pertinent facts the board of arbitrators may increase or decrease such rentals~~(;)~~ or continue the previous rate thereof.

The proceeds of the sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. ~~((In the event))~~ If all the proceeds of the sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

(6) To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: PROVIDED, That in all cases the public is not deprived of its rightful, equal, and uniform use of ~~((such))~~ the property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

(7) To exercise all powers necessarily incidental to the exercise of the general and special powers ~~((herein))~~ granted in this section.

Sec. 6. Section 9, chapter 182, Laws of 1945 and RCW 14.08.160 are each amended to read as follows:

(1) A municipality is authorized to accept, receive, and receipt for federal moneys~~(;)~~ and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities~~(;)~~ and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon ~~((such))~~ airports and other air navigation facilities.

(2) The governing body of any municipality is authorized to designate the ~~((director of aeronautics of the))~~ state secretary of transportation as its agent to accept, receive, and receipt for federal moneys ~~((im))~~ on its behalf for airport purposes and to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of ~~((such))~~ airports~~(;)~~ or other air navigation facilities, and may enter into an agreement with the ~~((director of aeronautics))~~ secretary of transportation prescribing the terms and conditions of such agency in accordance with federal laws, rules, and regulations and applicable laws of this state. Such moneys

as are paid over by the United States government shall be paid over to ~~((said))~~ the municipality under such terms and conditions as may be imposed by the United States government in making ~~((such))~~ the grant.

(3) All contracts for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports or other air navigation facilities, made by the municipality itself or through the agency of the ~~((director of aeronautics of the))~~ state secretary of transportation, shall be made pursuant to the laws of this state governing the making of like contracts ~~((:-PROVIDED, HOWEVER))~~, except that where ~~((such))~~ the acquisition, construction, improvement, enlargement, maintenance, equipment, or operation is financed wholly or partly with federal moneys, the municipality ~~((;))~~ or the ~~((aeronautics commission))~~ secretary of transportation, as its agent, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

Sec. 7. Section 11, chapter 182, Laws of 1945 as last amended by section 1, chapter 182, Laws of 1967 and RCW 14.08.200 are each amended to read as follows:

(1) All powers, rights, and authority granted to any municipality in this chapter may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or ~~((without))~~ outside the territorial limits of either or any of ~~((said))~~ the municipalities and within or ~~((without))~~ outside this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or ~~((without))~~ outside this state ~~((:-PROVIDED;))~~ if the laws of ~~((such))~~ the other state permit such joint action.

(2) For the purposes of this section only, unless another intention clearly appears or the context ~~((otherwise))~~ requires otherwise, this state ~~((shall be))~~ is included in the term "municipality," and all the powers conferred upon municipalities in this chapter, if not otherwise conferred by law, are ~~((hereby))~~ conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term ~~((shall))~~ means, as to the state, its ~~((director of aeronautics))~~ secretary of transportation.

(3) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action ~~((pursuant to the provisions of))~~ under this section. Concurrent action by the governing bodies of the municipalities involved ~~((shall))~~ constitutes joint action.

(4) Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the property, facilities, and

privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement, and equipment, and of expenses of maintenance, operation, and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities, and privileges jointly owned if ~~((said))~~ the property, facilities, and privileges, or any part thereof, ~~((staff))~~ cease to be used for the purposes ~~((herein))~~ provided in this section or if the agreement ~~((staff-be))~~ is terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(5) Municipalities acting jointly as ~~((herein))~~ authorized in this section shall create a board from the inhabitants of ~~((such))~~ the municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating, and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. ~~((Such))~~ The board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(6) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(7) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of ~~((such))~~ the municipalities granted by this chapter, except as ~~((herein))~~ provided in this section. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved~~((:)).~~ Upon the approval of the governing body, or if no approval ~~((be))~~ is necessary then upon the board's own determination, such property may be acquired by private negotiation under such terms and conditions as ~~((to the board may))~~ seem just and proper to the board. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st, of a budget for the ensuing calendar year, which budget may be amended or supplemented by joint resolution of the municipalities involved during the calendar year for

which the original budget was approved. Rules and regulations provided for by RCW 14.08.120(2) ~~((shall))~~ become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other navigation facility, or air protection privilege, owned jointly, ~~((shall))~~ may be disposed of by the board by sale except by authority of all the appointing governing bodies, but the board may lease space, land area, or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility, or air protection privilege by private negotiation under such terms and conditions as ~~((to the board may))~~ seem just and proper to the board, subject to the provisions of RCW 14.08.120(4). Subject to the provisions of the agreement for the joint venture, and when it ~~((shall))~~ appears to the board to be in the best interests of the municipalities involved, the board may sell any personal property by private negotiations under such terms and conditions as ~~((to the board may))~~ seem just and proper to the board.

(8) Each municipality, acting jointly with another~~(;)~~ pursuant to the provisions of this section, is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by RCW 14.08.120(2), and to fix by such ordinances penalties for the violation thereof~~(, which ordinances)~~. When so ~~((concurrently))~~ adopted, ~~((shall))~~ the ordinances have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or ~~((without))~~ outside the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of ~~((said))~~ the municipalities in ~~((like))~~ the same manner as are its individual ordinances. The consent of the state ~~((director of aeronautics))~~ secretary of transportation to any such ordinance, where the state is a party to the joint venture, ~~((shall be))~~ is equivalent to the enactment of the ordinance by a municipality. The publication provided for in RCW 14.08.120(2)~~(, aforesaid;)~~ shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

(9) Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of RCW 14.08.030(2) ~~((shall))~~ apply to such proceedings.

(10) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement~~(;)~~. Such funds ~~((to))~~ shall be provided for by bond issues, tax levies, and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this chapter~~(, and into which shall be~~



paid)). The revenues obtained from the ownership, control, and operation of the airports and other air navigation facilities jointly controlled shall be paid into the fund, to be expended as provided in this chapter(~~(:)~~). Revenues in excess of cost of maintenance and operating expenses of the joint properties ((to)) shall be divided or allowed to accumulate for future anticipated expenditures as may be provided in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

(11) All disbursements from (~~(such)~~) the joint fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

(12) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

Sec. 8. Section 1, chapter 157, Laws of 1929 as amended by section 1, chapter 205, Laws of 1969 ex. sess. and RCW 14.16.010 are each amended to read as follows:

In this chapter "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft. "Operating aircraft" means performing the services of aircraft pilot. "Person" means any individual, proprietorship, partnership, corporation, or trust. "Downed aircraft rescue transmitter" means a transmitter of a type approved by the (~~(Washington--)~~) state (~~(aeronautics commission)~~) department of transportation or the federal aviation (~~(agency)~~) administration with sufficient transmission power and reliability that it will be automatically activated upon the crash of an aircraft so as to transmit a signal on a preset frequency (~~(such)~~) so that it will be effective to assist in the location of the downed aircraft. "Air school" means air school as defined in RCW 47.68.020(11).

Sec. 9. Section 1, chapter 150, Laws of 1955 and RCW 14.20.010 are each amended to read as follows:

When used in this chapter and RCW 47.68.250 and 82.48.100:

- (1) "Person" includes a firm, partnership, or corporation;
- (2) "Dealer" means a person engaged in the business of selling, exchanging, or acting as a broker of aircraft;

(3) "Aircraft" means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air and is mechanically driven;

(4) (~~"Director" means the director of aeronautics~~) "Secretary" means the secretary of the state department of transportation.

Sec. 10. Section 2, chapter 150, Laws of 1955 as amended by section 1, chapter 135, Laws of 1983 and RCW 14.20.020 are each amended to read as follows:

(1) It is unlawful for a person to act as an aircraft dealer without a currently valid aircraft dealer's license issued under this chapter.

(2) Any person applying for an aircraft dealer's license shall do so at the office of the ~~((director))~~ secretary on a form provided for that purpose by the ~~((director))~~ secretary.

Sec. 11. Section 3, chapter 150, Laws of 1955 and RCW 14.20.030 are each amended to read as follows:

Applications for an aircraft dealer's license shall contain:

(1) The name under which the dealer's business is conducted and the address of the dealer's established place of business;

(2) The residence address of each owner, director, or principal officer of the aircraft dealer, and, if a foreign corporation, the state of incorporation and names of its resident officers or managers;

(3) The make or makes of aircraft for which franchised, if any;

(4) Whether or not used aircraft are dealt in;

(5) A certificate that the applicant is a dealer having an established place of business at the address shown on the application, which place of business is open during regular business hours to inspection by the ~~((director))~~ secretary or his representatives; and

(6) Whether or not the applicant has ever been denied an aircraft dealer's license or has had one which has been denied, suspended, or revoked.

Sec. 12. Section 4, chapter 150, Laws of 1955 and RCW 14.20.040 are each amended to read as follows:

During such time as aircraft are held by a dealer for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of the dealer's business, an aircraft dealer's certificate may be used on ~~((said))~~ the aircraft in lieu of ~~((any))~~ a registration certificate or fee and in lieu of payment of ~~((any))~~ excise tax. The ~~((director))~~ secretary shall issue one aircraft dealer's certificate with each aircraft dealer's license. Additional aircraft dealer's certificates shall be issued to an aircraft dealer upon request and the payment of the fee ~~((hereinafter))~~ provided ~~((for))~~ in RCW 14.20.050. Nothing ~~((herein))~~ contained in this section, however, ~~((shall))~~ may be construed to prevent transferability among dealer aircraft of any aircraft dealer's certificate, and ~~((such))~~ the certificate need be displayed on

dealer aircraft only while in actual use or flight. Every aircraft dealer's certificate issued ~~((staff))~~ expires on December 31st, and may be renewed upon renewal of an aircraft dealer's license.

Sec. 13. Section 5, chapter 150, Laws of 1955 and RCW 14.20.050 are each amended to read as follows:

The fee for original aircraft dealer's license for each calendar year or fraction thereof ~~((staff-be))~~ is twenty-five dollars which ~~((staff))~~ includes one aircraft dealer's certificate and which may be renewed annually for a fee of ten dollars. Additional aircraft dealer certificates may be obtained for two dollars each per year. If any dealer ~~((staff))~~ fails or neglects to apply for renewal of his license prior to February 1st in each year, his license shall be declared canceled by the ~~((director))~~ secretary, in which case any such dealer desiring a license shall apply for an original license and pay the fee required for ~~((such))~~ an original license.

Sec. 14. Section 6, chapter 150, Laws of 1955 and RCW 14.20.060 are each amended to read as follows:

The fees set forth in RCW 14.20.050 shall be ~~((payable))~~ paid to ~~((and-collected-by))~~ the ~~((director))~~ secretary. The fee for any calendar year may be paid on and after the first day of December of the preceding year. The ~~((director))~~ secretary shall give appropriate receipts therefor. The fees collected under this chapter shall be credited to the general fund. The ~~((director))~~ secretary may prescribe requirements for the possession and exhibition of aircraft dealer's licenses and aircraft dealer's certificates.

Sec. 15. Section 7, chapter 150, Laws of 1955 as last amended by section 2, chapter 135, Laws of 1983 and RCW 14.20.070 are each amended to read as follows:

Before issuing an aircraft dealer license, the ~~((director))~~ secretary shall require the applicant to file with the ~~((director))~~ secretary a surety bond in the amount of twenty-five thousand dollars running to the state, and executed by a surety company authorized to do business in the state. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter, RCW 47.68.250, and 82.48.100. Any person who has suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under RCW 14.20.090 has a right of action against the aircraft dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 16. Section 9, chapter 150, Laws of 1955 as last amended by section 3, chapter 135, Laws of 1983 and RCW 14.20.090 are each amended to read as follows:

The ~~((director))~~ secretary shall refuse to issue an aircraft dealer's license or shall suspend or revoke an aircraft dealer's license whenever he has reasonable grounds to believe that the dealer has:

(1) Forged or altered any federal certificate, permit, rating, or license~~(:)~~ relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate;

(4) Wilfully withheld or caused to be withheld from a purchaser of an aircraft any document referred to in subsection (1) of this section if applicable, or an affidavit to the effect that there are no liens, mortgages, or encumbrances of any type on the aircraft other than noted thereon, if the document or affidavit has been requested by the purchaser;

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this chapter ~~((and by))~~ or RCW 47.68.250 and 82.48.100;

(7) Been adjudged guilty of a crime that directly relates to the business of an aircraft dealer and the time elapsed since the conviction is less than ten years, or had a judgment entered against the dealer within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term "adjudged guilty" means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of the sentence is deferred or the penalty is suspended.

Sec. 17. Section 10, chapter 150, Laws of 1955 and RCW 14.20.100 are each amended to read as follows:

~~((Should the director make))~~ If the secretary issues an order that any person is not entitled to an aircraft dealer's license or that an existing license should be suspended or revoked, he shall forthwith notify the applicant or dealer in writing. The applicant ~~((shall have))~~ has thirty days from the date of the ~~((director's))~~ secretary's order to appeal therefrom to the superior court of Thurston county, which he may do by filing a notice of ~~((such))~~ the appeal with the clerk of ~~((said))~~ the superior court and at the same time filing a copy of ~~((such))~~ the notice with the ~~((director))~~ secretary.

Sec. 18. Section 8, chapter 125, Laws of 1929 as last amended by section 1, chapter 119, Laws of 1971 ex. sess. and RCW 17.04.180 are each amended to read as follows:

Whenever ~~((there shall be included within any weed district))~~ any lands belonging to the county are included within a weed district, the ~~((boards of))~~ county ~~((commissioners))~~ legislative authority shall determine the amount of the taxes for which ~~((such))~~ the lands would be liable if ~~((the same))~~ they were in private ownership, and the county ~~((commissioners))~~ legislative authority shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands ~~((shall be located))~~ are within any weed district, the county treasurer shall certify annually and forward to the commissioner of public lands, or, if the lands are occupied by or used in connection with any state institution, to the secretary of social and health services, or if the land is under use as state highway right of way, to the ~~((director of highways))~~ secretary of transportation, a statement showing the amount of the tax to which ~~((such))~~ the lands would be liable if ~~((the same))~~ they were in private ownership, separately describing each lot or parcel~~((, and))~~. The commissioner of public lands~~(;)~~ or the secretary of social and health services~~(;)~~ or the ~~((director of highways))~~ secretary of transportation, as the case may be, shall cause a proper record to be made in their respective offices of the charges against ~~((such))~~ the lands~~(;)~~ and shall certify the ~~((same))~~ record to the state auditor thirty days ~~((previous to))~~ before the convening of ~~((the biennial))~~ a session of the legislature in an odd-numbered year, and the state auditor shall~~(;)~~ at the next session of the legislature ~~((thereafter))~~ convened in an odd-numbered year, certify to the legislature the amount of ~~((such))~~ the charges against ~~((such))~~ the lands~~(, and)~~. The legislature shall provide for payment of ~~((such))~~ the charges to the weed district by an appropriation ~~((out of))~~ from the general fund of the state treasury or in the case of state highway right of way, the motor vehicle fund of the state treasury, with interest at six percent per annum on the amount of ~~((such))~~ the charges, and without penalties.

Sec. 19. Section 35.21.260, chapter 7, Laws of 1965 as amended by section 29, chapter 75, Laws of 1977 and RCW 35.21.260 are each amended to read as follows:

The governing authority of each city and town on or before March 31st of each year shall submit such records and reports regarding street operations ~~((therein))~~ in the city or town to the ~~((director of highways))~~ secretary of transportation on forms furnished by him as are necessary to enable him to compile an annual report thereon.

Sec. 20. Section 35.21.270, chapter 7, Laws of 1965 and RCW 35.21.270 are each amended to read as follows:

The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair, or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the division of municipal corporations, with the advice and assistance of the ~~((highway~~

~~commission~~) department of transportation, shall prescribe forms and types of records to be so maintained.

Sec. 21. Section 35.76.040, chapter 7, Laws of 1965 and RCW 35.76-.040 are each amended to read as follows:

The state auditor, after consultation with the association of Washington cities and the planning division of the state (~~(highway commission)~~) department of transportation shall prepare and distribute to the cities and towns a manual of instructions governing accounting and reporting procedures for all street expenditures.

Sec. 22. Section 35.76.050, chapter 7, Laws of 1965 and RCW 35.76-.050 are each amended to read as follows:

The division of municipal corporations shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of (~~such~~) the examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state (~~(highway commission)~~) department of transportation under the terms of RCW 46.68.110(1).

Sec. 23. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 7, chapter 317, Laws of 1977 ex. sess. and RCW 35.77.010 are each amended to read as follows:

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the (~~same~~) program with the (~~(director of highways)~~) secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body (~~(prior to July 1st of each year)~~) shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the (~~(director of highways)~~) secretary of transportation not more than thirty days after its adoption. The purpose of this section (~~(shall be)~~) is to assure that (~~(perpetually)~~) each city and town shall perpetually have available advanced plans(;) looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. (~~Such~~) The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with (~~(regulations)~~) rules of the urban arterial board.

The six-year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to ~~((regulations))~~ rules of the urban arterial board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) On and after July 1, 1976, each six-year program forwarded to the ~~((director))~~ secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 24. Section 35.78.020, chapter 7, Laws of 1965 and RCW 35.78-.020 are each amended to read as follows:

There is created a state design standards committee of seven members, six of whom shall be appointed by the executive committee of the Association of Washington Cities to hold office at its pleasure and the seventh to be the ~~((assistant state director of highways in charge of))~~ state aid engineer. The members to be appointed by the executive committee of the Association of Washington Cities shall be restricted to the membership of the association or to those holding office and/or performing the function of chief engineer in any of the several municipalities in the state.

Sec. 25. Section 35.78.040, chapter 7, Laws of 1965 and RCW 35.78-.040 are each amended to read as follows:

The governing body of the several municipalities shall apply the uniform design standards ~~((so))~~ adopted under RCW 35.78.030 to all new construction on major arterial and secondary arterial streets~~((;))~~ and to reconstruction of old such streets as far as practicable. No deviation from ~~((such))~~ the design standards as to such streets ~~((shall))~~ may be made without approval of the ~~((assistant state director of highways for))~~ state aid engineer.

Sec. 26. Section 36.75.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 62, Laws of 1975 and RCW 36.75.010 are each amended to read as follows:

~~((Terms))~~ As used in this title~~((;))~~ with relation to roads and bridges, the following terms mean:

(1) "Alley," a highway not designed for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Board," the board of county commissioners or the county legislative authority, however organized;

(3) "Center line," the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(4) "City street," every highway or part thereof, located within the limits of incorporated cities and towns, except alleys;

(5) "County engineer" (~~staff~~) includes the county director of public works;

(6) "County road," every highway or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway;

(7) "Department," the state department of (~~highways of the state, or such state agency as may succeed to its powers and duties~~) transportation;

(8) "Director" or "Secretary," the (~~acting director of the department of highways~~) state secretary of transportation or his duly authorized assistant;

(9) (~~"Highway commission," the state highway commission as provided for in chapter 47.01 RCW;~~

~~(10))~~ "Pedestrian," any person afoot;

~~((11))~~ (10) "Private road or driveway," every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((12))~~ (11) "Highway," every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

~~((13))~~ (12) "Railroad," a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((14))~~ (13) "Roadway," the paved, improved, or proper driving portion of a highway designed(~~ly~~) or ordinarily used for vehicular travel;

~~((15))~~ (14) "Sidewalk," property between the curb lines or the lateral lines of a roadway, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

~~((16))~~ (15) "State highway," includes every highway as herein defined, or part thereof, (~~which~~) that has been designated as a state highway, or branch thereof, by legislative enactment.

Sec. 27. Section 36.75.030, chapter 4, Laws of 1963 and RCW 36.75-.030 are each amended to read as follows:



The state (~~((highway commission))~~) department of transportation and the governing officials of any county may enter into reciprocal public highway improvement and maintenance agreements, providing for cooperation either in the county assisting the (~~((highway commission))~~) department in the improvement or maintenance of state highways, or the (~~((highway commission))~~) department assisting the county in the improvement or maintenance of county roads, under any circumstance where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served.

Sec. 28. Section 36.75.090, chapter 4, Laws of 1963 as amended by section 4, chapter 78, Laws of 1977 ex. sess. and RCW 36.75.090 are each amended to read as follows:

All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state (~~((highway commission))~~) department of transportation to the (~~((board))~~) legislative authority of the county in which any portion of (~~((such))~~) the highway is located, (~~((be and))~~) become a county road of (~~((such))~~) the county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state (~~((highway commission))~~) department of transportation to the mayor of the city or town in which any portion of (~~((such))~~) the highway is located (~~((be and))~~) become a street of (~~((such))~~) the city or town. Upon (~~((such))~~) the certification the (~~((director of highways))~~) secretary of transportation shall execute a deed, which shall be duly acknowledged, conveying (~~((such))~~) the abandoned highway or portion thereof to the county or city as the case may be.

Sec. 29. Section 36.75.100, chapter 4, Laws of 1963 and RCW 36.75-.100 are each amended to read as follows:

No informalities in the records in laying out, establishing, or altering any public highways existing on file in the offices of the various county auditors of this state or in the records of the department or (~~((highway))~~) the transportation commission, (~~((shall))~~) may be construed to invalidate or vacate (~~((such))~~) the public highways.

Sec. 30. Section 36.75.250, chapter 4, Laws of 1963 and RCW 36.75-.250 are each amended to read as follows:

If by any agreement with the federal government or any agency thereof or with the state or any agency thereof, a county has agreed to maintain certain county roads or any portion thereof and (~~((such))~~) the maintenance is not being performed to the satisfaction of the federal government or the (~~((highway commission))~~) department, reasonably consistent with original construction, notice thereof may be given by the (~~((highway commission))~~) department to the (~~((board))~~) legislative authority of (~~((such))~~) the county, and

if the ~~((board of such))~~ county legislative authority does not within ten days provide for ~~((such))~~ the maintenance, the ~~((highway commission))~~ department may perform ~~((such))~~ the maintenance, and the state treasurer shall pay the cost thereof on vouchers submitted by the ~~((highway commission))~~ department and deduct the cost thereof from any sums in the motor vehicle fund credited or to be credited to the county in which ~~((such))~~ the county road is located.

Sec. 31. Section 36.75.260, chapter 4, Laws of 1963 as amended by section 31, chapter 75, Laws of 1977 and RCW 36.75.260 are each amended to read as follows:

~~((The board of))~~ Each county legislative authority shall on or before March 31st of each year submit such records and reports to the ~~((director))~~ secretary of transportation, on forms furnished by the ~~((highway commission))~~ department, as are necessary to enable the ~~((director))~~ secretary to compile an annual report on county highway operations.

Sec. 32. Section 36.76.140, chapter 4, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1971 and RCW 36.76.140 are each amended to read as follows:

The ~~((board of a))~~ county legislative authority may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the ~~((Washington toll bridge authority))~~ department to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the ~~((board))~~ county legislative authority, directly or indirectly benefits the county. ~~((Such))~~ The bonds may be transferred to the ~~((Washington toll bridge authority))~~ department to be sold by ~~((the authority))~~ it for the purposes outlined herein. ~~((Such))~~ The bonds may bear interest at a rate or rates as authorized by the ~~((board of))~~ county ~~((commissioners. PROVIDED, That))~~ legislative authority. Such indebtedness is subject to the limitations on indebtedness provided for in RCW 39.36.020(2).

Sec. 33. Section 9, chapter 120, Laws of 1965 ex. sess. as amended by section 1, chapter 257, Laws of 1977 ex. sess. and RCW 36.78.090 are each amended to read as follows:

(1) ~~((The board prior to))~~ Before May 1st of each year the board shall transmit to the state treasurer certificates of good practice on behalf of the counties which during the preceding calendar year:

(a) Have submitted to the state ~~((highway commission))~~ department of transportation or to the board all reports required by law or regulation of the board; and

(b) Have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the board.

(2) The board shall not transmit to the state treasurer a certificate of good practice on behalf of any county failing to meet the requirements of subsection (1) of this section, but the board shall in such case and before May 1st, notify the county and the state treasurer of its reasons for withholding the certificate.

(3) The state treasurer, upon receiving a notice that a certificate of good practice will not be issued on behalf of a county, or that a previously issued certificate of good practice has been revoked, shall, effective the first day of the month (~~(subsequent to)~~) after that in which notice is received, withhold from such county its share of motor vehicle fuel taxes distributable pursuant to RCW 46.68.120 until the board thereafter issues on behalf of such county a certificate of good practice or a conditional certificate. After withholding or revoking a certificate of good practice with respect to any county, the board may thereafter at any time issue such a certificate or a conditional certificate when the board is satisfied that the county has complied or is diligently attempting to comply with the requirements of subsection (1) of this section.

(4) The board may, upon notice and a hearing, revoke a previously issued certificate of good practice or substitute a conditional certificate therefor when, after issuance of a certificate of good practice, any county fails to meet the requirements of subsection (1) (a) and (b) of this section, but the board shall in such case notify the county and the state treasurer of its reasons for the revocation or substitution.

(5) Motor vehicle fuel taxes withheld from any county pursuant to this section shall not be distributed to any other county, but shall be retained in the motor vehicle fund to the credit of the county originally entitled thereto. Whenever the state treasurer receives from the board a certificate of good practice issued on behalf of such county he shall distribute to such county all of the funds theretofore retained in the motor vehicle fund to the credit of such county.

Sec. 34. Section 36.80.080, chapter 4, Laws of 1963 and RCW 36.80-.080 are each amended to read as follows:

The division of municipal corporations shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the (~~(board of)~~) county (~~(commissioners)~~) legislative authority. The expense of (~~(such)~~) the examination shall be paid out of that portion of the motor vehicle fund allocated to the several counties and withheld for use of the (~~(director of highways)~~) department of transportation under the terms of RCW 46.68.120(1). The state auditor shall certify the expense of such examination to the (~~(highway commission)~~) department.

Sec. 35. Section 36.82.150, chapter 4, Laws of 1963 and RCW 36.82-.150 are each amended to read as follows:

On or before the eighth day of June of each year the (~~((highway commission))~~) department of transportation shall prepare and file with the (~~((board))~~) legislative authority of each county an estimate of the amount of money that will be paid to such county for the forthcoming calendar year in order that each board may prepare the necessary county road budget.

Sec. 36. Section 36.82.170, chapter 4, Laws of 1963 and RCW 36.82-.170 are each amended to read as follows:

Upon the final adoption of the county road budgets of the several counties, the (~~((boards))~~) county legislative authorities shall file a copy thereof in the office of the (~~((highway commission))~~) department of transportation.

Sec. 37. Section 36.82.180, chapter 4, Laws of 1963 and RCW 36.82-.180 are each amended to read as follows:

(~~((In the event that))~~) If any funds (~~((should be))~~) are paid to any county from the motor vehicle fund in excess of the amount estimated by the (~~((highway commission and such))~~) department of transportation and the excess funds have not been included by the (~~((board))~~) county legislative authority in the then current county road budget or (~~((in the event that))~~) if funds (~~((should))~~) become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of the county road budget, the (~~((board))~~) legislative authority may by unanimous consent, consider and adopt a preliminary supplemental budget covering (~~((such))~~) the excess funds for the remainder of the current fiscal year.

Sec. 38. Section 36.86.020, chapter 4, Laws of 1963 and RCW 36.86-.020 are each amended to read as follows:

In the case of roads, the minimum width between shoulders shall be fourteen feet with eight feet of surfacing, and in the case of bridges, which (~~((shall))~~) includes all decked structures, the minimum standard shall be for H-10 loading in accordance with the (~~((state highway commission))~~) standards of the state department of transportation. When (~~((such))~~) the standards have been prepared by the county road engineer, they shall be submitted to the (~~((board))~~) county legislative authority for approval, and when approved shall be used for all road and bridge construction and improvement in the county.

Sec. 39. Section 36.86.030, chapter 4, Laws of 1963 and RCW 36.86-.030 are each amended to read as follows:

Road and bridge standards may be amended from time to time by resolution of the (~~((board))~~) county legislative authority, but no standard (~~((shall))~~) may be approved by the (~~((board))~~) legislative authority with any minimum requirement less than that specified in this chapter. Two copies of

~~((such))~~ the approved standards shall be filed with the ~~((highway commission))~~ department of transportation for its use in examinations of county road work.

Sec. 40. Section 36.86.040, chapter 4, Laws of 1963 and RCW 36.86-.040 are each amended to read as follows:

The ~~((board))~~ county legislative authority shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards, and guideposts and appropriate stop, caution, warning, restrictive, and directional signs and markings as it deems necessary or as may be required by law. All such markings shall be in accordance with the uniform state standard of color, design, erection, and location adopted and designed by the Washington state ~~((highway commission))~~ department of transportation. In respect to existing and future railroad grade crossings over county roads the ~~((board))~~ legislative authority shall ~~((be required to))~~ install and maintain standard, nonmechanical railroad approach warning signs on both sides of the railroad upon the approaches of the county road. All such signs shall be located a sufficient distance from the crossing to give adequate warning to persons traveling on county roads.

Sec. 41. Section 36.88.015, chapter 4, Laws of 1963 as last amended by section 2, chapter 60, Laws of 1965 and RCW 36.88.015 are each amended to read as follows:

All counties ~~((shall))~~ have the power to create county road improvement districts for the construction, installation, improvement, operation, and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state ~~((highway commission))~~ department of transportation, for state highways, and for safeguards to protect the public from hazards of open canals, flumes, or ditches, and ~~((said))~~ the counties ~~((shall))~~ have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of ~~((such))~~ the construction, installation, or improvement together with the expense of furnishing electric energy, maintenance, and operation.

Sec. 42. Section 3, chapter 109, Laws of 1967 as amended by section 3, chapter 30, Laws of 1970 ex. sess. and RCW 36.89.030 are each amended to read as follows:

Counties are authorized to establish, acquire, develop, construct, and improve open space, park, recreation, and community facilities, public health and safety facilities, storm water control facilities, and highways or any of them pursuant to the provisions of this chapter within and without the cities and towns of ~~((such))~~ the county and for such purposes ~~((shall))~~ have the power to acquire lands, buildings and other facilities by gift, grant, purchase, condemnation, lease, devise, and bequest, to construct, improve, or maintain buildings, structures, and facilities necessary for such purposes,

and to use and develop for such purposes the air rights over and the sub-surface rights under any highway(~~(:PROVIDED, That))~~. The approval of the state ((highway commission)) department of transportation shall be first secured for such use and development of any state highway(~~(:PROVIDED FURTHER, That))~~. For visual or sound buffer purposes the county shall not acquire by condemnation(;) less than an owner's entire interest or right in the particular real property to be so acquired if ((said)) the owner objects to the taking of ((said)) a lesser interest or right.

Sec. 43. Section 3, chapter 70, Laws of 1967 and RCW 39.06.010 are each amended to read as follows:

No agency of the state or any of its political subdivisions ((~~shall~~)) may execute a contract with any contractor who is not registered or licensed as may be required by the laws of this state(~~(:PROVIDED, That this requirement shall not apply to))~~ other than contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the ((highway)) department of transportation to perform highway construction, reconstruction, or maintenance.

Sec. 44. Section 3, chapter 166, Laws of 1977 ex. sess. and RCW 39.08.090 are each amended to read as follows:

The contractor's bond required by chapter 39.08 RCW in connection with any negotiated contract for the construction of one or more ferry vessels for the Washington state ferries shall be in an amount to be specified by the ((Washington)) state ((~~toll bridge authority~~)) department of transportation in the request for proposal provided for in RCW 47.60.550. In no event shall the bond be for more than twenty-five percent of the total contract price of two or more ferry vessels nor more than fifty percent of the total contract price for a single vessel. In determining and fixing the amount of ((such)) the bond the ((~~authority~~)) department may take into account the financial resources required of all firms ((~~which~~)) that prequalify to construct ferry vessels for the Washington state ferries, the number of vessels ((~~which~~)) that may be constructed, and the time period in which the vessels are to be constructed.

~~((The Washington state toll bridge authority may delegate to the department of highways any of the powers or duties conferred upon the authority by this section, and the department shall assume or perform those powers or duties.))~~

Sec. 45. Section 28, chapter 1, Laws of 1961 as last amended by section 13, chapter 167, Laws of 1982 and RCW 41.06.280 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "Department of Personnel Service Fund(~~(=)~~)," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter and chapter

41.60 RCW. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning (~~and the department of highways~~), shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as ~~((such))~~ the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, ~~((such))~~ the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis~~(;)~~. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him ~~((deposited))~~ in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 46. Section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880 are each amended to read as follows:

(1) Any person proposing a new grocery operation after June 30, 1976, shall submit a master application to the department requesting the issuance of all permits necessary prior to opening a new operation in the state of Washington. The master application shall be on a form furnished by the department and shall contain in consolidated form all information necessary for the various state agencies to issue a permit. These provisions ~~((shall))~~ apply to persons seeking to continue an existing operation after January 1, 1977.

(2) Upon receipt of a properly completed master application the department shall immediately send a copy to each state agency with potential jurisdiction over the proposed operation. Each notified agency shall respond in writing to the department within a reasonable time, as determined by the department, advising the department and the applicant (a) that it approves the application; (b) that it approves with certain conditions as specified; or~~(;)~~ (c) that it denies the application with reasons given for the denial.

The department ~~((with))~~ shall then issue a master permit covering all the approvals and conditions excluding any denials. It ~~((shall be))~~ is the responsibility of the applicant to make appeals on conditions imposed or on permit denials through that normal appeal process established by the agency with jurisdiction for ~~((the issuances of such))~~ issuing the permit.

(3) A total fee based on the sum of fees for individual permits requested ~~((with))~~ shall accompany each master application and ~~((with))~~ shall be collected by the department and used to reimburse the various state agencies ~~((as per))~~ according to their schedules. The issuance of a master permit ~~((shall be))~~ is in lieu of any permit, certificate, or similar document required by any agency listed in subsection (4) of this section.

(4) All permits and inspections related to grocery operations by the following state agencies are covered under RCW 43.31.870 through 43.31.910~~((:))~~:

- (a) Department of revenue;
- (b) Department of labor and industries;
- (c) Department of employment security;
- (d) Department of agriculture;
- (e) Department of fisheries;
- (f) Liquor control board;
- (g) State pharmacy board;
- (h) Department of ~~((highways))~~ transportation; and

(i) Any other state agency, that may now or in the future issue permits or make inspections of grocery operations ~~((: PROVIDED, That))~~.

Nothing in this section ~~((shall))~~ may be construed to eliminate state or local governmental health or safety inspections.

(5) All individual permits covered by RCW 43.31.870 through 43.31-.910 shall expire according to a staggered schedule to be specified by the department of commerce and economic development. Costs for permits issued in the interim will be prorated according to the time each permit is in force.

(6) Starting January 1, 1977, annual renewals for all individual permits ~~((with))~~ shall be replaced by a master permit issued by the department of commerce and economic development. Renewals ~~((with))~~ shall be automatically granted under conditions originally imposed unless one of the regulatory agencies informs the department of revised restrictions to be imposed prior to such issuance.

Sec. 47. Section 2, chapter 15, Laws of 1973 1st ex. sess. and RCW 43.79A.020 are each amended to read as follows:

There is ~~((hereby))~~ created a trust fund outside the state treasury to be known as the "treasurer's trust fund~~((:))~~." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter ~~((: PROVIDED, That))~~. Funds of the ~~((Washington))~~ state ~~((toll bridge authority))~~ department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the ~~((toll bridge authority: PROVIDED FURTHER, That))~~ department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's



trust fund at such times as he deems advisable(~~(-PROVIDED, HOWEVER, That))~~. Except for ((Washington toll bridge authority)) department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer.

Sec. 48. Section 1, chapter 80, Laws of 1969 ex. sess. and RCW 43.80.100 are each amended to read as follows:

~~((For the purposes of))~~ The definitions in this section apply throughout this chapter ((and)) unless the context ~~((shall))~~ clearly indicates otherwise(~~(:)~~):

(1) "Fiscal agencies" means those banks or trust companies as designated in RCW 43.80.110 and 43.80.120.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan municipal corporations, port districts, school districts, townships, ~~((toll bridge authority;))~~ public colleges and universities, public community colleges, municipal corporations, quasi municipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities.

Sec. 49. Section 40, chapter 3, Laws of 1963 ex. sess. and RCW 46.16.061 are each amended to read as follows:

In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

For each truck under 12,000 lbs. ....	\$ .25
For each truck over 12,000 lbs. and under 20,000 lbs. ....	\$ .50
For each truck over 20,000 lbs. ....	\$ 1.00
For each trailer 4,000 lbs. to 12,000 lbs. ....	\$ .25
For each trailer 12,000 lbs. to 20,000 lbs. ....	\$ .50
For each trailer, semitrailer, or pole trailer over 20,000 lbs. ....	\$ 1.00
For each diesel truck ....	\$ 2.00
For each auto stage ....	\$ 1.00
For each for hire vehicle over 4,000 lbs. ....	\$ .50
For each motor vehicle not otherwise taxed herein ....	\$ .10

~~((Such))~~ The fees shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state ~~((highway commission))~~ department of transportation to help defray the costs of special highway studies and other studies as provided for ~~((in this act))~~ by law and for other necessary expenses of ~~((such))~~ the committee.

Sec. 50. Section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420 are each amended to read as follows:

(1) ~~((After January 1, 1938, it shall be))~~ It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway ~~((shall))~~ may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it ~~((shall be))~~ is permissible to use farm machinery with tires having protuberances ~~((which))~~ that will not injure the highway, and except also that it ~~((shall be))~~ is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid~~((: PROVIDED, That))~~. It ~~((shall be))~~ is unlawful to use metal studs imbedded within the tire between April 1st and November 1st~~((: PROVIDED FURTHER, That))~~. The state ~~((highway commission))~~ department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein ~~((shall be))~~ is lawful.

(3) The state ~~((highway commission))~~ department of transportation and local authorities in their respective jurisdictions may ~~((in their discretion))~~ issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of ~~((such))~~ the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

Sec. 51. Section 2, chapter 88, Laws of 1977 ex. sess. and RCW 46.39.020 are each amended to read as follows:

The Washington state commissioners to the western states school bus safety commission shall be the ~~((director of highways))~~ secretary of transportation, the superintendent of public instruction, and the chief of the Washington state patrol or their respective designees. Annually the

Washington commissioners shall elect a chairman from their own membership who shall serve for one year commencing July 1st. Election as chairman shall not interfere with the member's right to vote on all matters before the Washington commissioners. The Washington commissioners may by majority vote designate one of their members to represent the state on any matter coming before the Western states school bus safety commission.

Sec. 52. Section 46.44.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 81, Laws of 1977 and RCW 46.44.020 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands ~~((PROVIDED, That))~~. This height limitation ~~((shall))~~ does not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section ~~((shall))~~ do not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where ~~((such))~~ the vehicle or combination of vehicles is being operated; and no liability ~~((shall))~~ may attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where ~~((such))~~ the vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the ~~((Washington))~~ state ~~((highway commission))~~ department of transportation are erected and maintained on the right side of any such public highway in accordance with the manual of uniform traffic control devices for streets and highways as adopted by the ~~((Washington))~~ state ~~((highway commission pursuant to))~~ department of transportation under chapter 47.36 RCW. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it ~~((shall be))~~ is the duty of the owner thereof when billed therefor to reimburse the ~~((Washington))~~ state ~~((highway commission))~~ department of transportation or the county, city, town, or other political subdivision having jurisdiction over ~~((such))~~ the highway for the actual cost of erecting and maintaining ~~((such))~~ the impaired clearance signs, but no liability ~~((shall))~~ may attach to ~~((such))~~ the owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Sec. 53. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 3, chapter 149, Laws of 1979 ex. sess. and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the

state (~~(highway commission)~~) department of transportation, operation of the following combinations (~~(shall be)~~) is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveaway service where two of the vehicles are towed by the third in double saddle-mount position.

Sec. 54. Section 46.44.049, chapter 12, Laws of 1961 and RCW 46-44.049 are each amended to read as follows:

The (~~(highway commission is authorized to)~~) department of transportation may make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze, or test the effects of weight on highway construction. (~~(Such)~~) The studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined.

(~~(Such)~~) The studies may include the determination of values to be assigned various highway-user groups according to their gross weight or use.

Sec. 55. Section 46.44.093, chapter 12, Laws of 1961 and RCW 46-44.093 are each amended to read as follows:

The (~~(highway commission)~~) department of transportation or the local authority is authorized to issue or withhold such special permit at (~~(his or)~~) its discretion; or, if (~~(such)~~) the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of (~~(such)~~) the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

Sec. 56. Section 46.44.096, chapter 12, Laws of 1961 as last amended by section 18, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44-.096 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of (~~(highways)~~) transportation, and the

gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible((:)). When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state ((highway commission)) department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state ((highway commission)) department of transportation in RCW 46.44.095, the state ((highway commission)) department of transportation shall authorize the use of ((such)) the additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state ((highway)) department of transportation that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;

(2) That the fees paid for ((such)) the additional tonnage are not less than those established in RCW 46.44.095;

(3) That the city or county issuing ((such)) the permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;

(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.

When the department of (~~(highways)~~) transportation is satisfied that the above conditions have been (~~(complied with)~~) met, the (~~(state highway)~~) department of transportation, by suitable endorsement on the permit, shall authorize its use on such highways as the (~~(state highway commission)~~) department has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways (~~(shall be)~~) is subject to whatever rules and regulations the state (~~(highway commission)~~) department of transportation has adopted for (~~(such)~~) the permits.

Sec. 57. Section 1, chapter 38, Laws of 1965 as amended by section 19, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.098 are each amended to read as follows:

(~~In the event~~) If the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state (~~(highway commission)~~) department of transportation may authorize the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways (~~(as the commission may authorize)~~) if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in RCW 46.44.041, or as provided in RCW 46.44.010 and 46.44.037. (~~Such~~) The permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds.

Sec. 58. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as amended by section 75, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be assessed three cents for each pound of excess weight(~~(-PROVIDED, That)~~). Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case (~~(shall)~~) may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095,

or 46.44.041 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that ~~((such))~~ the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, ~~((such))~~ the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to ~~((such))~~ the limit ~~((as))~~ permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load scaled or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing ~~((shall be))~~ is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue ~~((shall))~~ have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" ~~((shall))~~ means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic penalty provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050(~~(-PROVIDED, That)~~). However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW (~~(as it now exists or is later amended)~~). For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) The additional penalty for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and transmitted by him (~~(transmitted)~~) to the state treasurer for deposit in the motor vehicle fund(~~(-PROVIDED, That)~~). However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW (~~(as it now exists or is later amended)~~). It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 (~~(as now or hereafter amended)~~).

(10) Any state patrol officer or any weight control officer who (~~(shall)~~) finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate (~~(such)~~) the permit and forward (~~(the same)~~) it to the state (~~(highway commission)~~) department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The (~~(state highway commission)~~) department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit (~~(shall be)~~) is returned to the permittee the action taken by the (~~(commission)~~) department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the (~~(commission)~~) department of transportation or person designated by (~~(the commission)~~) that department. (~~(The commission)~~) After (~~(such)~~) the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by (~~(such)~~) the canceled permit (~~(shall)~~) is not (~~(be)~~) eligible for a new permit for a period of thirty days.



(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer ~~((shall be))~~ is prima facie evidence of ~~((such))~~ the total gross weight.

The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of ~~((the provisions of))~~ this section.

Sec. 59. Section 46.44.110, chapter 12, Laws of 1961 and RCW 46.44.110 are each amended to read as follows:

Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure ~~((which))~~ that is a part of any such public highway ~~((shall be))~~ is liable for all damages ~~((which said))~~ that the public highway, bridge, or elevated structure may sustain as a result of any illegal operation of ~~((such))~~ the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law. This section ~~((shall apply))~~ applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law ~~((provided))~~ for vehicles, objects, or contrivances ~~((of))~~ that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle ~~((shall be))~~ is liable for any damage to any public highway, bridge, or elevated structure sustained as the result of any negligent operation thereof. When ~~((such))~~ the operator is not the owner of ~~((such))~~ the vehicle, object, or contrivance but is ~~((so))~~ operating or moving ~~((the same))~~ it with the express or implied permission of the owner ~~((thereof)), ((then said))~~ the owner and the operator ~~((shall be))~~ are jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the ~~((state highway commission))~~ department of transportation. Any measure of damage to any public highway determined by the ~~((state highway commission))~~ department of transportation by reason of this section ~~((shall be))~~ is prima facie the amount of damage caused thereby and ~~((shall be))~~ is presumed to be the amount recoverable in any civil action therefor.

Sec. 60. Section 2, chapter 1, Laws of 1973 1st ex. sess. as amended by section 77, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.140 are each amended to read as follows:

In addition to any other special permits authorized by law, special permits may be issued by the department of transportation for a quarterly or annual period upon such terms and conditions as it ~~((shall))~~ finds proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements ~~((as))~~ that may be identified by rule of the ~~((highway commission))~~ department of transportation. Any farm

implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved, and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the department of transportation for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the department of transportation.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, ~~((or))~~ of a rule adopted by the department of transportation as authorized by this section, or of a term of this section is a traffic infraction.

Sec. 61. Section 3, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.173 are each amended to read as follows:

(1) Upon validation of a special permit as provided in RCW 46.44.170, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the ~~((highway commission))~~ department of transportation or the local authority shall notify the assessor of the county in which the mobile home is to be located ~~((and))~~. When a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located~~((PROVIDED, That))~~. Notification ~~((shall))~~ is ~~((be))~~ necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home.

Sec. 62. Section 14, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.085 are each amended to read as follows:

No traffic control signal or device ~~((shall))~~ may be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state ~~((highway commission))~~ department of transportation.

Sec. 63. Section 21, chapter 155, Laws of 1965 ex. sess. as amended by section 3, chapter 33, Laws of 1972 ex. sess. and RCW 46.61.130 are each amended to read as follows:

(1) The state (~~((highway commission))~~) department of transportation and the local authorities are (~~((hereby))~~) authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones (~~((and))~~). When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) (~~((above))~~) of this section, no driver (~~((shall))~~) may at any time drive on the left side of the roadway within (~~((such))~~) the no-passing zone or on the left side of any pavement striping designed to mark (~~((such))~~) the no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

Sec. 64. Section 22, chapter 155, Laws of 1965 ex. sess. as amended by section 24, chapter 62, Laws of 1975 and RCW 46.61.135 are each amended to read as follows:

(1) The state (~~((highway commission))~~) department of transportation and the local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Sec. 65. Section 2, chapter 133, Laws of 1974 ex. sess. and RCW 46.61.165 are each amended to read as follows:

The state (~~((highway commission))~~) department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying (~~((not less))~~) no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days.

Sec. 66. Section 46.60.330, chapter 12, Laws of 1961 as amended by section 48, chapter 3, Laws of 1963 ex. sess. and RCW 46.61.195 are each amended to read as follows:

All state highways are hereby declared to be arterial highways as respects all other public highways or private ways, except that the ~~((Washington))~~ state ~~((highway commission shall have))~~ department of transportation has the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the ~~((Washington))~~ state ~~((highway commission))~~ department of transportation as forming a part of the routes of state highways through incorporated cities and towns are ~~((hereby))~~ declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if ~~((such))~~ the change is first approved in writing by the ~~((Washington))~~ state ~~((highway commission))~~ department of transportation. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering ~~((such))~~ the arterial highway when stop signs are erected as provided by law.

Sec. 67. Section 46.60.340, chapter 12, Laws of 1961 and RCW 46.61.200 are each amended to read as follows:

In addition to the points of intersection of any public highway with any arterial public highway ~~((which))~~ that is constituted by law or by any proper authorities of this state or any city or town of this state, the state ~~((highway commission))~~ department of transportation with respect to state highways, and the proper authorities with respect to any other public highways, ~~((shall))~~ have the power to determine and designate any particular intersection, or any particular highways, roads, or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection~~((; and))~~. Upon the determination and designation of such points at which vehicles will be required to come to a stop before entering ~~((such))~~ the intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state ~~((highway commission))~~ department of transportation indicating that ~~((such))~~ the intersection has been so determined and designated and that vehicles entering ~~((the same))~~ it are required to stop. It ~~((shall be))~~ is unlawful for any person operating any

vehicle when entering any intersection determined, designated, and bearing the required sign (~~(aforesaid;)~~) to fail and neglect to bring (~~(such)~~) the vehicle to a complete stop before entering (~~(such)~~) the intersection.

Sec. 68. Section 40, chapter 155, Laws of 1965 ex. sess. as last amended by section 28, chapter 62, Laws of 1975 and RCW 46.61.290 are each amended to read as follows:

The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of (~~(such)~~) the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as (~~(such)~~) the vehicle on the roadway being entered.

(3) Two-way left turn lanes.

(a) The department of (~~(highways)~~) transportation and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of (~~(highways)~~) transportation shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the administrative procedure act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles (~~(shall)~~) may turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from or into this center lane will be deemed a violation of this section.

(4) The ~~((state highway commission))~~ department of transportation and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when ~~((such))~~ the devices are so placed no driver of a vehicle ~~((shall))~~ may turn a vehicle other than as directed and required by ~~((such))~~ the devices.

Sec. 69. Section 47, chapter 155, Laws of 1965 ex. sess. and RCW 46-.61.345 are each amended to read as follows:

The state ~~((highway commission))~~ department of transportation and local authorities within their respective jurisdictions are ~~((hereby))~~ authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs ~~((thereat))~~ at those crossings. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of ~~((such))~~ the railroad and shall proceed only upon exercising due care.

Sec. 70. Section 46.48.150, chapter 12, Laws of 1961 and RCW 46-.61.380 are each amended to read as follows:

The state superintendent of public instruction, by and with the advice of the state ~~((highway commission))~~ department of transportation and the chief of the Washington state patrol, shall adopt and enforce ~~((regulations))~~ rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children ~~((and such regulation))~~. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district ~~((shall be))~~ is subject to such ~~((regulations))~~ rules. It ~~((shall be))~~ is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such ~~((regulations))~~ rules.

Sec. 71. Section 1, chapter 39, Laws of 1977 ex. sess. and RCW 46-.61.428 are each amended to read as follows:

(1) The state ~~((highway commission))~~ department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone (~~shall~~) take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section.

Sec. 72. Section 64, chapter 155, Laws of 1965 ex. sess. as last amended by section 20, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.560 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person (~~shall~~) may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section(~~;~~) and RCW 46.61.570(~~;~~) and 46.61.575 (~~shall~~) do not apply to the driver of any vehicle (~~which~~) that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section (~~shall~~) does not apply to the driver of a public transit vehicle who (~~shall~~) temporarily stops (~~his~~) the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state (~~highway commission~~) department of transportation or a county upon highways under their respective jurisdictions.

Sec. 73. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums:

(1) To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;

(2) To the cities and towns, to be expended as provided by RCW 46.68.115, sums equal to four and sixty-one hundredths percent of the net tax amount;

(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the (~~highway commission~~) department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;

(7) To the Puget Sound reserve account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.

Nothing in this section or in RCW 46.68.090 (~~as now or hereafter amended~~) or 46.68.130 (~~shall~~) may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor and special vehicle fuels.

Sec. 74. Section 9, chapter 83, Laws of 1967 ex. sess. as amended by section 11, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.150 are each amended to read as follows:

The sums distributed to the state pursuant to RCW 46.68.100(6) (~~as now or hereafter amended~~;) and the proceeds of bonds issued and sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state (~~highway commission~~) department of transportation for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407 (~~PROVIDED, That~~). At the end of each fiscal quarter the state treasurer shall determine the amount, if any, that the sums distributed to the state pursuant to RCW 46.68.100(6) as now or hereafter amended exceed an amount equivalent to the proceeds of five-eighths of one cent motor vehicle and special fuel excise tax collected on the net gallonage after the deductions provided for in RCW 82.36.020 for the preceding fiscal quarter. The amount so ascertained shall be available first to repay the counties, cities, and towns for any moneys derived from excise taxes on motor vehicle and special fuels distributable to the counties, cities, and towns pursuant to RCW 46.68.100 but as a result of the pledge and debt service payment provisions contained in RCW 47.26.404 and 47.26.405 and as certified by the state finance committee have been used to repay state urban bonds (and interest thereon) authorized by RCW 47.26.400 through 47.26.407, and after such sums have been repaid in full, then for expenditure as provided in RCW 46.68.130.



Sec. 75. Section 1, chapter 12, Laws of 1973 2nd ex. sess. as amended by section 68, chapter 75, Laws of 1977 and RCW 47.01.141 are each amended to read as follows:

The (~~highway commission~~) department shall submit an annual report to the governor and legislature, including but not limited to operational and construction activities of the preceding fiscal year as the (~~commission may~~) department deems important and recommendations for future operations of the (~~commission~~) department.

Sec. 76. Section 78, chapter 145, Laws of 1967 ex. sess. as amended by section 6, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.145 are each amended to read as follows:

Whenever a study report prepared by the (~~Washington state highway commission~~) department for the legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature.

Sec. 77. Section 47.01.170, chapter 13, Laws of 1961 and RCW 47.01.170 are each amended to read as follows:

The (~~commission~~) department or its duly authorized and acting assistants, agents, or appointees (~~staff~~) have the right to enter upon any land, real estate, or premises in this state, whether public or private, for purposes of making examinations, locations, surveys, and appraisals for highway purposes. The making of any such entry for (~~said~~) those purposes (~~staff~~) does not constitute any trespass by the (~~commission~~) department or by its duly authorized and acting assistants, agents, or appointees.

Sec. 78. Section 47.01.180, chapter 13, Laws of 1961 and RCW 47.01.180 are each amended to read as follows:

The (~~commission is hereby~~) department is authorized at the request of, and upon plans approved by the state parks (~~committee~~) and recreation commission, to construct and maintain vehicular roads, highways, and bridges within the limits of the several state parks.

Sec. 79. Section 47.01.190, chapter 13, Laws of 1961 and RCW 47.01.190 are each amended to read as follows:

The (~~commission~~) secretary shall appoint, with the approval of the governor, a qualified assistant to be designated as "~~assistant director of highways for~~) state aid engineer" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets.

Sec. 80. Section 47.01.210, chapter 13, Laws of 1961 and RCW 47.01.210 are each amended to read as follows:

It (~~shall be~~) is lawful for the (~~Washington state highway commission~~) department to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with

any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of ~~((said commission))~~ the department, the interest of the public will be best served.

Sec. 81. Section 47.01.220, chapter 13, Laws of 1961 as last amended by section 13, chapter 235, Laws of 1977 ex. sess. and RCW 47.01.220 are each amended to read as follows:

The ~~((state highway commission))~~ department shall report to the legislature through the legislative transportation committee and senate and house transportation committees on the highway needs of the state.

Sec. 82. Section 10, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.240 are each amended to read as follows:

The ~~((Washington state highway commission))~~ department and the urban arterial board shall coordinate their activities relative to long-range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long-range needs data may be developed and maintained on an integrated and and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the ~~((Washington state highway commission))~~ department in such form and extent as requested by the ~~((commission))~~ department, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads, and streets in Washington.

Sec. 83. Section 1, chapter 167, Laws of 1965 ex. sess. as amended by section 14, chapter 235, Laws of 1977 ex. sess. and RCW 47.02.010 are each amended to read as follows:

The ~~((Washington state highway commission))~~ department is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories, and facilities on the east capitol site for the use of the ~~((Washington state highway))~~ commission and the department ~~((of highways))~~ and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests, or grants or by such additional funds as the legislature may provide.

Sec. 84. Section 8, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.080 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the ~~((highway))~~ department for state highway

purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 85. Section 47.04.020, chapter 13, Laws of 1961 as last amended by section 41, chapter 145, Laws of 1967 ex. sess. and RCW 47.04.020 are each amended to read as follows:

All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the ~~((state highway commission))~~ department with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads.

Sec. 86. Section 47.04.060, chapter 13, Laws of 1961 and RCW 47.04.060 are each amended to read as follows:

The ~~((highway commission is hereby))~~ department is authorized and directed to act for and on behalf of the state of Washington, and any ~~((civil))~~ political subdivision of the state, in all things pertaining to the selection, construction, and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of ~~((commerce))~~ transportation or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road, or city or town street selected by law for construction or improvement through an appropriation for the period in which ~~((said))~~ the construction or improvement is to be made. ~~((Said))~~ The money ~~((to))~~ shall be added to and expended in connection with the appropriation aforesaid; and ~~((to))~~ shall apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road, or street fund of any ~~((civil))~~ political subdivision, and which are available for the construction and maintenance of any section of state highway, county road, or city or town street selected as aforesaid for such aid and improvement.

Sec. 87. Section 47.04.070, chapter 13, Laws of 1961 and RCW 47-.04.070 are each amended to read as follows:

In all matters relating to the cooperative construction or improvement of any state highway, county road, or city or town street for which federal funds or aid is secured under any act of congress, the (~~(highway commission)~~) department shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of (~~(commerce)~~) transportation or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the (~~(highway commission)~~) department as may be necessary.

Sec. 88. Section 47.04.080, chapter 13, Laws of 1961 as amended by section 11, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.04.080 are each amended to read as follows:

The (~~(highway commission)~~) department is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

Sec. 89. Section 63, chapter 170, Laws of 1965 ex. sess. as amended by section 13, chapter 108, Laws of 1967 and RCW 47.04.081 are each amended to read as follows:

The (~~(highway commission)~~) department is empowered to join financially or otherwise with any public agency or any county, city, or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development, and establishment of urban public transportation systems in conjunction with new or existing highway facilities.

Sec. 90. Section 34, chapter 170, Laws of 1965 ex. sess. as amended by section 12, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.04.100 are each amended to read as follows:

Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road (~~(shall)~~) may be maintained or improved by the (~~(state highway commission)~~) department as a temporary route of such new highway or

extension pending the construction of the new highway or extension on the location adopted by the ~~((state highway commission))~~ department.

Sec. 91. Section 1, chapter 65, Laws of 1975-'76 2nd ex. sess. and RCW 47.04.140 are each amended to read as follows:

Whenever a county ~~((which))~~ that operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat under Title 23, United States Code, the following provisions ~~((shall))~~ apply to the county's operation of its ferries:

(1) The county shall obtain from the ~~((Washington state highway commission))~~ department a franchise authorizing ~~((such))~~ the ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The ~~((commission))~~ department shall issue the franchise or amended franchise for the operation of each route ~~((which))~~ that it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the ~~((commission))~~ department.

(2) At least thirty days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the ~~((commission))~~ department for its approval, the current or proposed schedule of tolls and charges for use of its ferries. The ~~((commission))~~ department shall approve ~~((such))~~ the schedule of tolls and charges ~~((;))~~ unless it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, and repair of the county's ferries.

(3) The ~~((commission))~~ department shall adopt ~~((regulations))~~ rules for the implementation of this section including provisions affording the right to a hearing to any county ~~((prior to))~~ before finally denying approval of any proposed ferry route or schedule of tolls and charges for use of the county's ferries.

Sec. 92. Section 47.08.010, chapter 13, Laws of 1961 and RCW 47.08.010 are each amended to read as follows:

Whenever there is provided an allocation for the construction or improvement of state highways, the ~~((same))~~ allocation shall be under the sole charge and direct control of the ~~((highway commission))~~ department.

Sec. 93. Section 47.08.040, chapter 13, Laws of 1961 and RCW 47.08.040 are each amended to read as follows:

Whenever it is ~~((or may become))~~ necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with any federal project for the development of any river within

or partially within the state of Washington, the ~~((highway commission of the state of Washington shall be and hereby))~~ department is authorized, empowered, and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which ~~((said))~~ the rights shall be conveyed, and as to any other matters which may be necessary in order to satisfy the requirements of the federal government ~~((PROVIDED, That))~~. If the agreement is required to be reduced to writing, the writing shall be approved as to form by the attorney general of the state of Washington.

Sec. 94. Section 47.08.050, chapter 13, Laws of 1961 and RCW 47.08.050 are each amended to read as follows:

Whenever ~~((in pursuance of the authority contained in RCW 47.08.040))~~ the ~~((highway commission shall have))~~ department has entered into an agreement under RCW 47.08.040 with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the ~~((said))~~ federal government or agency, and the ~~((said))~~ instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington ~~((shall be and he hereby))~~ is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington.

Sec. 95. Section 47.08.070, chapter 13, Laws of 1961 as amended by section 3, chapter 108, Laws of 1967 and RCW 47.08.070 are each amended to read as follows:

When ~~((in the opinion of the highway commission))~~ it appears to the department that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, the ~~((highway commission))~~ department is ~~((hereby))~~ authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through ~~((its highway commission))~~ the department, will participate in the cost of the public works project in such amount as may be determined by the ~~((highway commission))~~ department to be the value of the benefits or improvements to the particular state highway derived from the construction of ~~((said))~~ the public works project. Under any such agreement the ~~((highway commission))~~ department may contribute to the cost of the public works project by making

direct payment to the particular state department, federal government, or to any agency, instrumentality, or municipal corporation of either the state or the United States, or any ~~((combination))~~ combination thereof, which may be involved in ~~((said))~~ the project, from any funds appropriated to the ~~((highway commission))~~ department and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the ~~((highway commission))~~ department.

Sec. 96. Section 47.08.080, chapter 13, Laws of 1961 as amended by section 22, chapter 106, Laws of 1973 and RCW 47.08.080 are each amended to read as follows:

~~((In the event that))~~ If any funds ~~((should))~~ become available from the federal government~~((;))~~ or otherwise~~((;))~~ for expenditure in conjunction with county funds~~((;))~~ for the construction, alteration, repair, or improvement of any county road ~~((of any county))~~ and the ~~((same))~~ work is to be performed by the ~~((highway commission))~~ department, the state treasurer shall, upon notice from the ~~((highway commission thereof))~~ department, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of ~~((such))~~ the county as may be necessary for use in conjunction with funds from the federal government to accomplish ~~((such))~~ the work~~((; the same to))~~. The work shall then be performed by the ~~((highway commission))~~ department and paid from the money so set aside upon vouchers approved and submitted by the ~~((highway commission))~~ department in the same manner as payment is made for such work on state highways: PROVIDED, That the ~~((board of county commissioners))~~ legislative authority of any such county shall have, by proper resolution, filed in duplicate in the office of the ~~((highway commission))~~ department and approved by it, determined the county road construction, alteration, repair, or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

Sec. 97. Section 47.08.090, chapter 13, Laws of 1961 as amended by section 23, chapter 106, Laws of 1973 and RCW 47.08.090 are each amended to read as follows:

~~((In the event that))~~ If any funds ~~((should))~~ become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair, or improvement of its city streets designated as forming a part of the route of any state highway through ~~((such))~~ the incorporated city or town and the ~~((same))~~ work is to be performed by the ~~((highway commission))~~

department, the state treasurer shall, upon notice from the (~~(highway commission thereof)~~) department, set aside from any moneys in the motor vehicle fund credited to (~~(such)~~) the incorporated city or town, the cost thereof or so much money in the state treasury to the credit of (~~(such)~~) the incorporated city or town as may be necessary in conjunction with (~~(such)~~) the funds from the federal government or otherwise to accomplish (~~(such)~~) the work, the (~~(same)~~) cost to be paid by the state (~~(auditor)~~) treasurer from the money so set aside upon vouchers approved and submitted by the (~~(highway commission)~~) department in the same manner as payment is made for work on state highways. (~~(In the event that)~~) If any such incorporated city or town (~~(shall have)~~) has agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of (~~(such)~~) the incorporated city or town designated as forming a part of the route of any state highways, that the (~~(same)~~) street will be maintained to a standard and (~~(such)~~) the incorporated city or town fails to so maintain (~~(such)~~) the city street, then the (~~(highway commission)~~) department may perform (~~(such)~~) the maintenance, and the state (~~(auditor)~~) treasurer is authorized to deduct the cost thereof from any funds credited or to be credited to (~~(such)~~) the incorporated city or town and pay the same on vouchers approved and submitted by the (~~(highway commission)~~) department in the same manner as payment is made for work performed on state highways.

Sec. 98. Section 47.08.100, chapter 13, Laws of 1961 as amended by section 24, chapter 106, Laws of 1973 and RCW 47.08.100 are each amended to read as follows:

The (~~(highway commission)~~) department is authorized from time to time to investigate expenditures from the county road fund and the city street fund and if it determines that unauthorized, illegal, or wrongful expenditures are being or have been made from (~~(said)~~) the fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the (~~(board of)~~) county (~~(commissioners)~~) legislative authority and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the (~~(highway commission)~~) department is authorized to demand of (~~(said)~~) those officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify (~~(said)~~) the officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after (~~(such)~~) the notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to



make restitution, or to adjust the matter to the satisfaction of the (~~(highway commission)~~) department.

If no correction, remedy, adjustment, or restitution is made within (~~(said)~~) ten days to the satisfaction of the (~~(commission)~~) department, it (~~(shall have)~~) has power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to (~~(such)~~) the county or city; and it (~~(shall be)~~) is the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until (~~(such)~~) the officials are notified in writing by the (~~(commission)~~) department that payments may be resumed.

The (~~(commission)~~) department is also authorized to notify in writing the prosecuting attorney of the county in which (~~(such)~~) the violation occurs of the facts, and it (~~(shall be)~~) is the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

Sec. 99. Section 47.08.130, chapter 13, Laws of 1961 and RCW 47-.08.130 are each amended to read as follows:

The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of (~~(commerce)~~) transportation or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of (~~(commerce)~~) transportation or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the (~~(highway commission)~~) department such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

Sec. 100. Section 47.10.070, chapter 13, Laws of 1961 and RCW 47-.10.070 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the (~~(highway)~~) department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or

counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110.

Sec. 101. Section 47.10.110, chapter 13, Laws of 1961 and RCW 47.10.110 are each amended to read as follows:

The (~~director of highways~~) secretary shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. (~~Such~~) Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

Sec. 102. Section 47.10.210, chapter 13, Laws of 1961 and RCW 47.10.210 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the (~~highway~~) department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

Sec. 103. Section 47.10.340, chapter 13, Laws of 1961 and RCW 47.10.340 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise

taxes on motor vehicle fuels and which is, or may be, appropriated to the ((highway)) department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360.

Sec. 104. Section 47.10.360, chapter 13, Laws of 1961 and RCW 47.10.360 are each amended to read as follows:

The ((director of highways)) secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. ((Said)) Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of ((said)) those counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

Sec. 105. Section 47.10.470, chapter 13, Laws of 1961 and RCW 47.10.470 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the ((highway)) department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor

vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

Sec. 106. Section 47.10.716, chapter 13, Laws of 1961 and RCW 47.10.716 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the (~~highway~~) department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 107. Section 47.10.718, chapter 13, Laws of 1961 and RCW 47.10.718 are each amended to read as follows:

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the (~~state highway commission~~) department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702, and 47.10.704.

Sec. 108. Section 7, chapter 121, Laws of 1965 and RCW 47.10.732 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the (~~highway~~) department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued as authorized by RCW 47.10.726 through 47.10.738 shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in RCW 47.10.734.

Sec. 109. Section 9, chapter 121, Laws of 1965 and RCW 47.10.734 are each amended to read as follows:

The (~~director of highways~~) secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by RCW 47.10.726 through 47.10.738. Grant, Franklin, and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of RCW 47.10.726 through 47.10.738 within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of RCW 47.10.726 through 47.10.738 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.726 through 47.10.738 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

Sec. 110. Section 9, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.757 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the (~~state highway commission~~) department for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 111. Section 13, chapter 7, Laws of 1967 ex. sess. and RCW 47.10.761 are each amended to read as follows:

It is the purpose of RCW 47.10.761 through 47.10.771(~~;~~) to provide reserve funds to the (~~state highway commission~~) department for the following purposes:

(1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes(~~;~~);

(2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state(;-);

(3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in RCW 47.10.761 through 47.10.770, are loaned to any city or county for the purposes specified herein, the (~~state highway commission~~) department shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor vehicle fuels, over a period not to exceed twenty-five years.

Sec. 112. Section 19, chapter 7, Laws of 1967 ex. sess. and RCW 47-.10.767 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the (~~highway~~) department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 113. Section 20, chapter 7, Laws of 1967 ex. sess. and RCW 47-.10.768 are each amended to read as follows:

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the (~~state highway commission~~) department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways.

Sec. 114. Section 47.12.011, chapter 13, Laws of 1961 and RCW 47-.12.011 are each amended to read as follows:

Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the (~~Washington state highway commission~~) department deems it to be in the best interest of the general public, the

~~((commission))~~ department may~~((, and it is hereby authorized, to))~~ secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway~~((, for review by the commission before final adoption or acquisition))~~.

Sec. 115. Section 1, chapter 103, Laws of 1977 ex. sess. and RCW 47-12.023 are each amended to read as follows:

(1) Except as provided in RCW 47.12.026 and 47.12.029, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of ~~((highways))~~ transportation may acquire jurisdiction over ~~((such))~~ the lands or interests in lands, or acquire rights to remove materials from ~~((such))~~ the lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of ~~((highways))~~ transportation may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of ~~((highways))~~ transportation at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the property in the event of settlement. ~~((Such))~~ The offer shall be based upon the department of ~~((highways))~~ transportation approved appraisal of the fair market value of the property to be acquired. In no event may ~~((such))~~ the offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) ~~((In the event))~~ If the department of natural resources does not accept the offer of the department of ~~((highways))~~ transportation, the department of ~~((highways))~~ transportation may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of ~~((highways))~~ transportation may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of ~~((highways))~~ transportation for the acquisition of jurisdiction over ~~((such))~~ the lands or interests in lands or rights therein. In ~~((such))~~ that event the department of natural resources and the department of ~~((highways))~~ transportation may jointly agree on an arbitrator to determine ~~((such))~~ the compensation, and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of ~~((highways))~~ transportation are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of ~~((highways))~~ transportation or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid. The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of ~~((highways shall have))~~ transportation has acquired immediate possession and use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for ~~((such))~~ the acquisition exceeds the payment for immediate possession and use, the department of ~~((highways))~~ transportation shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. ~~((In the event))~~ If the arbitration or court award is less than the amount previously paid by the department of ~~((highways))~~ transportation for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of ~~((highways))~~ transportation.

(8) Upon the payment of just compensation, as agreed to by the department of ~~((highways))~~ transportation and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of ~~((highways))~~ transportation an instrument transferring jurisdiction over ~~((such))~~ the lands or interests in lands, or rights to remove material from ~~((such))~~ the lands, to the department of ~~((highways))~~ transportation.

(9) Except as provided in RCW 47.12.026, whenever the department of ~~((highways shall))~~ transportation ceases to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over ~~((such))~~ the lands or interests in land by paying the fair market



value thereof to the department of ~~((highways. In the event))~~ transportation. If the two departments are unable to agree on the fair market value of ~~((such))~~ the lands or interests in lands, ~~((such))~~ the market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

Sec. 116. Section 2, chapter 103, Laws of 1977 ex. sess. and RCW 47-12.026 are each amended to read as follows:

(1) The department of ~~((highways))~~ transportation may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of RCW 47.12.023, except that no charge ~~((shall))~~ may be made to the department of ~~((highways))~~ transportation for such an easement.

(2) The department of ~~((highways))~~ transportation may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with ~~((the provisions of))~~ RCW 47.12.023 but only when ~~((such))~~ the areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge ~~((shall))~~ may be made to the department of ~~((highways))~~ transportation for such an easement.

(3) Upon the selection by the department of ~~((highways))~~ transportation of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and delivered to the department of ~~((highways))~~ transportation an instrument transferring ~~((such))~~ the easement. Whenever the state ~~((shall))~~ no longer requires ~~((such))~~ the easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of ~~((highways))~~ transportation shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in ~~((such))~~ the lands.

(4) The department of ~~((highways))~~ transportation, pursuant to the procedures set forth in RCW 47.12.023, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in RCW 47.12.023.

(5) The department of ~~((highways))~~ transportation may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters ~~((which))~~ that are required

for the relocation of the operating tracks of any railroad (~~((which))~~) that will be displaced by the acquisition of such railroad property for state highway purposes. The department of (~~((highways))~~) transportation may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of (~~((such))~~) the lands in the manner prescribed in RCW 47.12.150. In (~~((such))~~) that event the department of (~~((highways))~~) transportation shall pay to the department of natural resources, as just compensation for (~~((such))~~) the acquisition, the fair market value of (~~((such))~~) the property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in RCW 47.12.023.

Sec. 117. Section 3, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.029 are each amended to read as follows:

The department of (~~((highways))~~) transportation shall not acquire jurisdiction of any lands or interest in lands under the jurisdiction of the department of natural resources for any of the purposes set forth in RCW 47.12.150, 47.12.160, 47.12.180, 47.12.250, and 47.12.270.

Sec. 118. Section 47.12.040, chapter 13, Laws of 1961 and RCW 47.12.040 are each amended to read as follows:

Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the (~~((board-of))~~) county (~~((commissioners))~~) legislative authority or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell, or convey by gift (~~((such))~~) the land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the (~~((board))~~) legislative authority, directors, or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The (~~((board-of))~~) county (~~((commissioners))~~) legislative authority or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to (~~((such))~~) the land, passing title to the state of Washington, and (~~((such))~~) the instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and (~~((such))~~) the state highway is upon the former route of (~~((any))~~) a county road, the (~~((board-of))~~) county (~~((commissioners))~~) legislative authority shall cause the title to the existing right of way or so much thereof as the (~~((highway-commission-shall))~~) department requires to be transferred to the state of Washington by proper instrument.

Sec. 119. Section 47.12.050, chapter 13, Laws of 1961 and RCW 47-12.050 are each amended to read as follows:

Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed, the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the ~~((highway commission))~~ department as all or a part of the consideration or satisfaction of the judgment therefor, in which event the ~~((highway commission))~~ department may perform ~~((such))~~ the work as a portion of the right of way cost of ~~((such))~~ the state highway.

Sec. 120. Section 2, chapter 78, Laws of 1977 ex. sess. and RCW 47-12.066 are each amended to read as follows:

(1) The department ~~((of highways))~~ may sell at fair market value, or lease at rental value (economic rent), materials or other personal property to any United States agency or to any municipal corporation, political subdivision, or another agency of the state and may provide services to any United States agency or to any municipal corporation, political subdivision, or another agency of the state at actual cost, including a reasonable amount for indirect costs.

(2) The department may sell at fair market value materials or other personal property to any private utility company regulated by the utilities and transportation commission for the purpose of making emergency repairs to utility facilities or to protect such facilities from imminent damage upon a finding in writing by the ~~((director of highways))~~ secretary that an emergency exists.

(3) The proceeds of all sales and leases under this section shall be placed in the motor vehicle fund.

Sec. 121. Section 47.12.080, chapter 13, Laws of 1961 as last amended by section 5, chapter 78, Laws of 1977 ex. sess. and by section 49, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.080 are each reenacted and amended to read as follows:

The ~~((highway commission))~~ secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the ~~((highway commission;))~~ department of transportation when, in the judgment of the secretary of transportation and the attorney general, ~~((such))~~ the transfer and conveyance is consistent with public interest. Whenever the secretary ~~((shall))~~ makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee 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. 122. Section 47.12.160, chapter 13, Laws of 1961 and RCW 47.12.160 are each amended to read as follows:

Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of ~~((such))~~ the severance claims or damages, the ~~((state highway commission))~~ department may acquire by gift, purchase, or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes ~~(-PROVIDED, HOWEVER, That))~~. The provisions of this section ~~((shall))~~ do not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property.

Sec. 123. Section 1, chapter 281, Laws of 1961 as amended by section 1, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.180 are each amended to read as follows:

It is ~~((hereby))~~ declared to be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of ~~((such))~~ the property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The ~~((Washington state highway commission))~~ department is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240 ~~((, as now or later amended;))~~ or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method ~~((shall))~~ may be used to condemn property or property rights in advance of programmed construction until the ~~((highway commission))~~ department has complied with hearing procedures required for the location or relocation of the type of highway for which ~~((such))~~ the property is to be condemned.

Sec. 124. Section 7, chapter 281, Laws of 1961 and RCW 47.12.240 are each amended to read as follows:

The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in ~~((such))~~ the agreement. The state treasurer shall pay ~~((such))~~ the warrants at the time provided for in the agreement. ~~((Such))~~ The obligations coming due ~~((shall be))~~ are a prior charge against any funds in the motor vehicle fund available to the ~~((highway commission))~~ department for construction of state highways.

Sec. 125. Section 7, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.244 are each amended to read as follows:

There is ~~((hereby))~~ created the "advance right of way revolving fund" in the custody of the treasurer, into which the ~~((Washington highway commission))~~ department is authorized to deposit directly and expend without appropriation any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

Sec. 126. Section 9, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.246 are each amended to read as follows:

Whenever, after any properties or property rights are acquired from funds in the advance right of way revolving fund, the ~~((Washington highway commission))~~ department proceeds with the construction of a highway which will require the use of any of the property so acquired, the ~~((commission))~~ department shall reimburse the advance right of way revolving fund, from other funds available to it, the amount of the prior expenditures for advance right of way acquisition for the state highway being constructed. Such deposits may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

Sec. 127. Section 10, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.248 are each amended to read as follows:

Whenever the ~~((Washington state highway commission shall))~~ department purchases or condemns any property ~~((pursuant to the authority of))~~ under RCW 47.12.180 through 47.12.240 ~~((as now or later amended;))~~ or ~~((RCW))~~ 47.12.242 through 47.12.246, the ~~((commission))~~ department shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance.

Sec. 128. Section 62, chapter 170, Laws of 1965 ex. sess. as amended by section 5, chapter 108, Laws of 1967 and RCW 47.12.250 are each amended to read as follows:

The ~~((state highway commission))~~ department is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to state highways

for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties(~~(-PROVIDED, That))~~. However, the ~~((state-highway-commission))~~ department shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if ~~((said))~~ the owner objects to the taking of ~~((said))~~ a lesser interest or right.

Sec. 129. Section 1, chapter 18, Laws of 1973 2nd ex. sess. and RCW 47.12.270 are each amended to read as follows:

The ~~((state-highway-commission))~~ department may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The ~~((state-highway-commission))~~ department may obtain and exercise options for the purchase of property to be used for purposes described in this section. The ~~((state-highway-commission))~~ department shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless ~~((such))~~ the facility has been approved by the ~~((state-highway-commission))~~ department in advance of its acquisition or construction.

Sec. 130. Section 7, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.320 are each amended to read as follows:

The ~~((highway-commission))~~ department may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services.

Sec. 131. Section 32, chapter 51, Laws of 1970 ex. sess. as last amended by section 3, chapter 63, Laws of 1975 and RCW 47.17.155 are each amended to read as follows:

A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Wenatchee, thence northerly by the most feasible route by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line(~~(-PROVIDED, That)~~). Until such time(~~(s)~~) as the watergrade route between Chelan Station and Azwell, as designated by the (~~(highway commission)~~) department, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97.

Sec. 132. Section 71, chapter 51, Laws of 1970 ex. sess. and RCW 47-17.350 are each amended to read as follows:

A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction with state route number 28 in the vicinity west of Odessa(~~(-PROVIDED, That)~~). Until such time(~~(s)~~) as state route number 171 is actually constructed on the location adopted by the (~~(highway commission)~~) department, no existing county roads (~~(shall)~~) may be maintained or improved by the (~~(highway commission)~~) department as a temporary route of (~~(said)~~) state route number 171.

Sec. 133. Section 76, chapter 51, Laws of 1970 ex. sess. and RCW 47-17.375 are each amended to read as follows:

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Clarkston, thence westerly and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton(~~(-PROVIDED, That)~~). Until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the (~~(highway commission)~~) department, no existing county roads (~~(shall)~~) may be maintained or improved by the (~~(highway commission)~~) department as a temporary route of (~~(said)~~) state route number 193.

Sec. 134. Section 18, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.417 are each amended to read as follows:

A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan(~~(-PROVIDED, That)~~). Until such time as this route is actually constructed on the location adopted by the (~~(highway commission)~~) department, no county roads (~~(shall)~~) may be maintained or improved by the (~~(highway commission)~~) department as a temporary route.

Sec. 135. Section 92, chapter 51, Laws of 1970 ex. sess. and RCW 47-17.455 are each amended to read as follows:

A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southeasterly to a wye junction with state route number 12 at Richland. The ~~((director))~~ secretary may enter into negotiations with appropriate federal agencies to secure right of way for ~~((said))~~ the highway over and across the Atomic Energy Commission Reservation.

Sec. 136. Section 129, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.640 are each amended to read as follows:

A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of the lower river road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center~~((:PROVIDED, That))~~. The ~~((state department of highways))~~ department may enter into an agreement with the Port of Vancouver, and/or Clark county and/or the United States Army Engineers to obtain material dredged from the Columbia river and have ~~((the same))~~ it stockpiled at no expense to the state.

Sec. 137. Section 147, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.730 are each amended to read as follows:

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 527~~((:PROVIDED, That))~~. Until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the ((highway commission)) department, no existing county roads ~~((shall))~~ may be maintained or improved by the ~~((highway commission))~~ department as a temporary route of ~~((said))~~ state route number 524.

Sec. 138. Section 151, chapter 51, Laws of 1970 ex. sess. as amended by section 18, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.750 are each amended to read as follows:

A state highway to be known as state route number 528 is established as follows:



Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9 (~~(-PROVIDED; That)~~). Until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the ((state-highway-commission)) department, no existing city streets or county roads (~~(shall)~~) may be maintained or improved by the ((state-highway-commission)) department as a temporary route of ((said)) state route number 528.

Sec. 139. Section 171, chapter 51, Laws of 1970 ex. sess. as last amended by section 16, chapter 235, Laws of 1977 ex. sess. and RCW 47.17.850 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The legislative transportation committee, the house and senate transportation committees, and the ((Washington-state-highway-commission)) department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

Sec. 140. Section 47.20.570, chapter 13, Laws of 1961 as amended by section 173, chapter 51, Laws of 1970 ex. sess. and RCW 47.20.570 are each amended to read as follows:

The ((director-of-highways)) department is authorized and directed to construct a bridge across Port Washington Narrows connecting state route number 304 at or near Bremerton with state route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands((-)) as are necessary or proper for ((the)) approaches to ((such)) the bridge ((and-relocating)) or for the relocation of any portion of ((said)) the highway to locate ((said)) the bridge at the most feasible place. ((Said)) The bridge shall become and be maintained as a part of the state highway system.

Sec. 141. Section 47.20.580, chapter 13, Laws of 1961 as amended by section 174, chapter 51, Laws of 1970 ex. sess. and RCW 47.20.580 are each amended to read as follows:

The ((director-of-highways)) department is hereby authorized and directed to locate, construct, pave, and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with state route number 27, near the north boundary of the city of Pullman.

Sec. 142. Section 47.20.590, chapter 13, Laws of 1961 and RCW 47-20.590 are each amended to read as follows:

The ~~((director of highways))~~ department is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to ~~((said))~~ the underpass.

Sec. 143. Section 47.20.600, chapter 13, Laws of 1961 and RCW 47-20.600 are each amended to read as follows:

The ~~((director of highways))~~ department is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift, or condemnation, any and all private real estate, rights, and interests necessary to locate, construct, and maintain the Washington State University highway and the University of Washington approach provided for herein.

Sec. 144. Section 47.20.605, chapter 13, Laws of 1961 and RCW 47-20.605 are each amended to read as follows:

The use of the private real estate, rights, and interests, selected by ~~((said director))~~ the department as necessary for ~~((said))~~ the approach, underpass, and highway(;) is ~~((hereby))~~ declared to be a public use.

Sec. 145. Section 47.20.610, chapter 13, Laws of 1961 and RCW 47-20.610 are each amended to read as follows:

In case of condemnation to secure any real estate, rights, or interests(;) ~~herein~~) authorized under this chapter, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located(;) and in the manner provided by law for acquiring property for public uses for the state(;- and)). In such actions the selection of the real estate, rights, and interests by the ~~((director of highways))~~ department is, in the absence of bad faith, arbitrary, capricious, or fraudulent action, conclusive upon the court and judge before which the action is brought that ~~((said))~~ the real estate, rights, and interests are necessary for public use for the purposes sought.

Sec. 146. Section 47.20.630, chapter 13, Laws of 1961 and RCW 47-20.630 are each amended to read as follows:

The ~~((director of highways))~~ department shall have power to sell at public or private sale any building, equipment, or fixtures(;) acquired in the acquisition of ~~((said))~~ the real estate for such price as ~~((he))~~ it shall fix(;) and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state(;- and the)). Proceeds of ~~((said))~~ the sale shall be placed in the motor vehicle fund of the state treasury. The ~~((director of highways))~~ department shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as ~~((he))~~ it deems will lapse before construction of the approach, underpass,

and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

Sec. 147. Section 47.20.635, chapter 13, Laws of 1961 and RCW 47.20.635 are each amended to read as follows:

No action ~~((shall))~~ may be taken by the ~~((director of highways))~~ department for the acquisition of real estate, rights, and interests for the approach and underpass to the University of Washington unless and until the city of Seattle, through its legislative authority ~~((shall))~~, enacts an ordinance providing that the city of Seattle will, within three months after the necessary real estate, rights, and interests have been secured by the state as ~~((herein))~~ provided in this chapter, begin the work of grading, paving, and such other work as is necessary to complete and render available for use of the public, ~~((said))~~ the approach and underpass and approaches to ~~((said))~~ the underpass; and further providing that the city of Seattle shall thereafter keep and maintain ~~((said))~~ the approach and underpass and approach to ~~((said))~~ the underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform.

Sec. 148. Section 47.20.640, chapter 13, Laws of 1961 as amended by section 44, chapter 145, Laws of 1967 ex. sess. and RCW 47.20.640 are each amended to read as follows:

In any case where a state highway is relocated in such manner that it ~~((shall))~~ ceases to intersect another state highway, the ~~((state highway commission))~~ department is ~~((hereby))~~ authorized to extend and designate either of ~~((such))~~ the state highways to reestablish an appropriate intersection.

Sec. 149. Section 1, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.645 are each amended to read as follows:

The legislature finds that the ~~((Washington))~~ department ~~((of highways))~~ initiated route studies for the location of that segment of the national system of interstate and defense highways (interstate system) between south Bellevue and state route No. 5 in Seattle in 1957 culminating in a corridor public hearing and adoption of a corridor in 1963; that thereafter the department, utilizing a multidisciplinary design team and soliciting the broadest public participation, developed a series of designs culminating in a public design hearing in 1970, a public limited access hearing in 1971, and adoption of a design and limited access plan for the facility in 1971; that commencing in 1970 the proposed facility has been the subject of numerous lawsuits and administrative proceedings ~~((which))~~ that have prevented advancement of the project to construction; that since further development of the project was enjoined by federal courts in 1971 the cost of constructing the project has increased by more than one hundred million

dollars; that the traffic congestion and traffic hazards existing in the existing highway corridor between south Bellevue, Mercer Island, and the city of Seattle are no longer tolerable; that after more than seventeen years of studies the public interest now requires that final decisions regarding the appropriate system for meeting the transportation requirements between south Bellevue and the city of Seattle be made promptly and in accordance with a prescribed schedule.

It is therefore the sense of the legislature that further protracted delay in establishing the transportation system to be constructed between south Bellevue and state route No. 5 in the city of Seattle is contrary to the interest of the people of this state and can no longer be tolerated as acceptable public administration. Accordingly the schedule for finally determining the character of transportation modes between south Bellevue and state route No. 5 in the city of Seattle as set forth in RCW 47.20.645 through 47.20.653(;) and 47.20.900 is adopted as the public policy of this state.

Sec. 150. Section 47.24.020, chapter 13, Laws of 1961 as last amended by section 7, chapter 78, Laws of 1977 ex. sess. and RCW 47.24.020 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The ~~((state highway commission shall have))~~ department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the ~~((state highway))~~ commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes~~((: PROVIDED; That))~~. However, within incorporated cities and towns the title to a state limited access highway ~~((shall))~~ vests in the state, and, notwithstanding any other provision of this section, the ~~((Washington state highway commission))~~ department shall exercise full jurisdiction, responsibility, and control to~~((:))~~ and over~~((:))~~ such facility as provided in chapter 47.52 RCW~~((, as amended))~~;

(3) The ~~((state highway commission shall have))~~ department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and ~~((shall have))~~ has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town ~~((shall have))~~ has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby

shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway(~~(-PROVIDED, That)~~). In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the ((state census board)) office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility(;) for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself(:(PROVIDED FURTHER, That)). The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with ((their)) its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The ((state highway commission shall have)) department has the right to ((utilize)) use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the ((state highway commission)) department, the cost of ((such)) the facilities shall be borne by the state and/or city as may be mutually agreed upon between the ((state highway commission)) department and the governing body of the city or town;

(8) Cities and towns ((shall)) have exclusive right to grant franchises(;) not in conflict with state laws, over, beneath, and upon such streets, but the ((state highway commission shall be)) department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town ((shall have)) has granted on such street(:(PROVIDED, That)). No franchise for transportation of passengers in motor vehicles ((shall)) may be granted on such streets without the approval of the ((state highway commission)) department, but the ((state highway commission)) department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town ((shall have)) has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the ((state highway commission)) department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town

relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto (~~shall be~~) are subject to the approval of the (~~state highway commission~~) department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the (~~state highway commission~~) department heretofore or within one year after March 21, 1963;

(12) The (~~state highway commission~~) department shall erect, control, and maintain at state expense all route markers(;) and directional signs, except street signs, on such streets;

(13) The (~~state highway commission~~) department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the (~~state census board. PROVIDED, That~~) office of financial management. Such cities and towns may submit to the (~~state highway commission~~) department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the (~~state highway commission~~) department shall consult with the cities or towns concerning the (~~same prior to~~) plan before installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the (~~state census board~~) office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the (~~state highway commission~~) department for the installation and type only. For the purpose of this (~~subdivision~~) subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets (~~shall~~) belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way acquired by a city or town (~~shall~~) immediately vests in the city or town. Title to all rights of way acquired by the state (~~shall~~) remains in the state until actually used for construction or other street purpose. Upon completion of (~~such~~) the construction, the rights of way actually used for street purposes shall be conveyed to the city or town by deed executed by the (~~director of highways~~) secretary and duly acknowledged. No vacation, sale, or rental of any

unused portion of any such street (~~(shall)~~) may be made by the city or town without the approval of the (~~(state-highway-commission))~~ department; and all revenue derived from sale, vacation, or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town (~~(shall)~~) fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the (~~(state-highway-commission))~~ department for the maintenance of a city or town street forming part of the route of a state highway, the (~~(state-highway-commission))~~ department may notify the mayor of (~~(such))~~ the city or town to perform (~~(such))~~ the necessary maintenance within thirty days. If the city or town within (~~(such))~~ the thirty days (~~(shall)~~) fails to perform (~~(such))~~ the maintenance or fails to authorize the (~~(state-highway-commission))~~ department to perform (~~(such))~~ the maintenance as provided by RCW 47.24.050, the (~~(state-highway-commission))~~ department may perform (~~(such))~~ the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to (~~(such))~~ the city or town.

Sec. 151. Section 47.24.030, chapter 13, Laws of 1961 and RCW 47-24.030 are each amended to read as follows:

The (~~(highway-commission))~~ department is authorized to acquire rights of way, by purchase, gift, or condemnation for any such streets, highways, bridges, and wharves. Any such condemnation proceedings shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

Sec. 152. Section 47.24.050, chapter 13, Laws of 1961 and RCW 47-24.050 are each amended to read as follows:

If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair, or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair, or maintain any of its streets, it may authorize the (~~(highway-commission))~~ department to perform such construction, repair, or maintenance, or it may secure necessary engineering assistance from the (~~(highway-commission))~~ department, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the (~~(highway-commission))~~ department from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The (~~(highway-commission))~~ department may in certain special cases, in its discretion, enter into an agreement with the governing officials of (~~(such))~~ the city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the

benefit of the state's share of ~~((such))~~ the fund by ~~((such))~~ the city or town of the cost thereof from any funds ~~((on-hand-of-such))~~ of the city or town on hand and legally available for ~~((such))~~ the work or services. The city or town may, by resolution, authorize the ~~((board-of-commissioners))~~ legislative authority of the county in which it is located, to perform any such construction, repair, or maintenance, and the ~~((same))~~ work shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform ~~((such))~~ the construction, repair, or maintenance.

Sec. 153. Section 10, chapter 83, Laws of 1967 ex. sess. as last amended by section 12, chapter 317, Laws of 1977 ex. sess. and RCW 47-.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the ~~((state-highway-commission))~~ department with the approval of the federal secretary of transportation in accordance with federal law, hereafter referred to as federally approved urban areas, or areas within incorporated cities.

Sec. 154. Section 13, chapter 83, Laws of 1967 ex. sess. and RCW 47-.26.070 are each amended to read as follows:

Funds available for expenditure by the ~~((state-highway-commission))~~ department pursuant to RCW 46.68.150 and apportioned to the five regions of the state shall be budgeted and expended, pursuant to proper appropriations, for specific state highway improvement projects within the urban areas of each region in accordance with the priority programming procedures established in chapter 47.05 RCW. Such expenditures in urban areas shall be additional to expenditures from all other construction funds regularly programmed for state highway improvements throughout the state pursuant to chapter 47.05 RCW. The ~~((state-highway-commission))~~ department is authorized to establish separate long range objectives in terms of the percentages of completion of construction needs for the several functional classes of highways within the urban areas of each region.

Sec. 155. Section 22, chapter 83, Laws of 1967 ex. sess. as last amended by section 17, chapter 235, Laws of 1977 ex. sess. and RCW 47-.26.160 are each amended to read as follows:

The urban arterial board shall:

- (1) Adopt rules ~~((and-regulations))~~ necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities~~((:));~~
- (2) Adopt reasonably uniform design standards for city and county arterials ~~((which))~~ that meet the requirements for urban development~~((:));~~



(3) Report biennially on the first day of November of the even-numbered years to the ~~((state highway commission))~~ department, the legislative transportation committee, and the house and senate transportation committees regarding progress of cities and counties in developing long-range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 156. Section 23, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.170 are each amended to read as follows:

The legislative authority of each county or city lying within or having within its boundaries an urban area shall prepare, adopt, and submit to the urban arterial board a long-range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through a fourteen-year advance planning period. The long-range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through a fourteen-year advanced planning period, and as revised shall be submitted to the urban arterial board during the first week of January of every even-numbered year. The long-range plans shall be prepared pursuant to guidelines established by the urban arterial board and with the assistance of ~~((such))~~ the board and the ~~((state highway commission))~~ department. Upon receipt of the long-range arterial construction plans of the several counties and cities, the urban arterial board shall revise the construction needs for urban arterials set forth in ~~((such))~~ the plans as necessary to conform with its uniform standards for establishing construction needs of the counties and cities.

Sec. 157. Section 4, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.185 are each amended to read as follows:

The urban arterial board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of urban arterial projects financed in part from the urban arterial trust account. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience, and ~~((such))~~ other factors ~~((as))~~ the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising an urban arterial project~~((;))~~ shall contract with a qualified city or county or the department ~~((of highways))~~ for the administration and supervision of the design and construction of any approved urban arterial project as a condition for receiving urban arterial trust account funds for the project.

Sec. 158. Section 29, chapter 83, Laws of 1967 ex. sess. and RCW 47-.26.230 are each amended to read as follows:

Whenever an urban arterial in a city crosses into an unincorporated urban area or into an adjacent city, the proper city and county officials shall jointly plan the development of the arterial in their respective long-range plans, arterial classification plans, and six-year construction programs. Whenever an urban arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county or city officials shall jointly plan the development of ~~((such))~~ the connecting arterial with the ~~((state highway))~~ appropriate department of transportation district ~~((engineer))~~ administrator. The urban arterial board shall adopt ~~((regulations))~~ rules providing for the system development of county-city arterials and urban arterials with state highways.

Sec. 159. Section 35, chapter 83, Laws of 1967 ex. sess. and RCW 47-.26.290 are each amended to read as follows:

The legislative body of any county or city feeling aggrieved by any action or decision of the urban arterial board may appeal to the ~~((state highway))~~ commission by filing with the secretary ~~((of the commission))~~ a notice of appeal within ninety days after ~~((such))~~ the action or decision of the urban arterial board. ~~((Such))~~ The notice shall specify the action or decision complained of. The ~~((state highway))~~ commission shall fix a time for a hearing on ~~((said))~~ the appeal at the earliest convenient time and shall notify either the county auditor or the city clerk ~~((as the case may be))~~, and also the chairman of the urban arterial board, by ~~((registered))~~ certified mail at least twenty days ~~((prior to))~~ before the date of ~~((said))~~ the hearing. At ~~((such))~~ the hearing the ~~((state highway))~~ commission shall receive evidence from the county or city filing the appeal and from the urban arterial board. After ~~((such))~~ the hearing the ~~((state highway))~~ commission shall make such order as in its judgment is just and proper.

Sec. 160. Section 3, chapter 141, Laws of 1974 ex. sess. and RCW 47-.26.310 are each amended to read as follows:

Prior to July 1, 1974, the urban arterial board shall adopt:

(1) Standards for the designation of a bicycle route system which shall include, but need not be limited to, consideration of:

(a) Existing and potential bicycle traffic generating activities, including but not limited to places of employment, schools, colleges, shopping areas, and recreational areas;

(b) Directness of travel and distance between potential bicycle traffic generating activities; and

(c) Safety for bicyclists and avoidance of conflict with vehicular traffic which shall include, wherever feasible, designation of bicycle routes on streets parallel but adjacent to existing designated urban arterial routes.

(2) Insofar as is practicable to achieve reasonable uniformity, design standards for bicycle routes shall take into consideration the construction

standards and signing system devised by the (~~state-highway~~) department pursuant to RCW 47.30.060.

Sec. 161. Section 36, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.400 are each amended to read as follows:

In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the (~~state-highway~~) commission. The amount of (~~such~~) the bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas. The issuance, sale, and retirement of (~~said~~) the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the (~~state-highway~~) commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the (~~state-highway~~) commission.

Sec. 162. Section 44, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.410 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.26.060, the (~~state-highway-commission~~) department is authorized in any biennium, subject to proper appropriations, to expend from funds available pursuant to RCW 46.68.150, for urban state highway construction projects within a region, an amount including bond proceeds which may exceed the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of RCW 47.26.060 for such period.

Sec. 163. Section 54, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.440 are each amended to read as follows:

Not later than November 1st of each even-numbered year the urban arterial board shall prepare and present to the (~~state-highway~~) commission a recommended budget for expenditures from the urban arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the urban arterial trust account and the amount, if any, of bond proceeds which the board determines should be made available to the urban arterial trust account through the sale of bonds in the ensuing biennium.

The (~~state-highway~~) commission shall review the budget as recommended, revise the (~~same~~) budget as it deems proper, and include the budget for the urban arterial board as revised as a separate section of the

~~((state highway commission))~~ transportation budget which it shall submit to the governor and the legislature at the time of its convening.

Sec. 164. Section 47.28.020, chapter 13, Laws of 1961 and RCW 47.28.020 are each amended to read as follows:

From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the ~~((highway commission))~~ department, for good cause, ~~((may))~~ adopts and designates a different width. This section shall not be construed to require the ~~((highway commission))~~ department to acquire increased right of way for any state highway in existence on such date.

Sec. 165. Section 47.28.025, chapter 13, Laws of 1961 as amended by section 1, chapter 225, Laws of 1977 ex. sess. and RCW 47.28.025 are each amended to read as follows:

Whenever the ~~((state highway commission shall))~~ department establishes the location, width, and lines of any new highway, or declares any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of ~~((said))~~ the highway and the established width thereof, and attach thereto a certified copy of the resolution~~((, and thereupon))~~. Such description, plan, and resolution shall then be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of ~~((such))~~ the county by the ~~((Washington state highway commission))~~ department at the expense of the state.

Sec. 166. Section 47.28.026, chapter 13, Laws of 1961 as amended by section 2, chapter 225, Laws of 1977 ex. sess. and RCW 47.28.026 are each amended to read as follows:

(1) No owner or occupier of lands, buildings, or improvements ~~((shall))~~ may erect any buildings or make any improvements within the limits of any such highway, the location, width, and lines of which have been established and recorded~~((;))~~ as provided in RCW 47.28.025~~((, and))~~. If any such erection and improvements ~~((shall be))~~ are made, no allowances ~~((shall))~~ may be had therefor by the assessment of damages. No permits for improvements within ~~((said))~~ the limits ~~((shall))~~ may be issued by any authority~~((: PROVIDED, That))~~. The establishment of any highway location as set forth in RCW 47.28.025 ~~((shall be))~~ is ineffective after one year from the filing thereof if no action to condemn or acquire the property within ~~((said))~~ the limits has been commenced within ~~((said))~~ that time.

(2) Unless and until the ~~((state highway commission shall))~~ department causes a plan of a proposed new highway or limited access facility to be recorded in the office of the county auditor as authorized in RCW 47.28.025, nothing contained in RCW 47.28.025 or 47.28.026 ~~((shall))~~ may

be deemed to restrict or restrain in any manner the improvement, development, or other use by owners or occupiers of lands, buildings, or improvements within the limits of any proposed new or limited access highway or any proposed relocated or widened highway. Because of the uncertainties of federal aid and the state level of funding of proposed construction or improvement of state highways, plans for such improvements approved by the (~~(state highway commission)~~) department shall be deemed tentative until filed with the county auditor as authorized in RCW 47.28.025 or until the department (~~(of highways)~~) commences action to condemn or otherwise acquire the right of way for (~~(such)~~) the highway improvements.

Sec. 167. Section 47.28.040, chapter 13, Laws of 1961 and RCW 47.28.040 are each amended to read as follows:

Before entering into any contract for the construction, alteration, repair, or improvement of any state highway the (~~(highway commission)~~) department shall cause the (~~(same)~~) highway to be surveyed throughout the entire length of (~~(such)~~) the proposed construction, alteration, repair, or improvement and cause to be prepared maps, plans, and specifications, together with an estimate of the cost of (~~(such)~~) the proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications, and directions shall be approved by the (~~(highway commission)~~) department and a copy thereof filed permanently in the department's office (~~(of the highway commission)~~).

Sec. 168. Section 47.28.060, chapter 13, Laws of 1961 as last amended by section 1, chapter 36, Laws of 1971 and RCW 47.28.060 are each amended to read as follows:

Any person, firm, or corporation (~~(shall be)~~) is entitled to receive copies of the maps, plans, specifications, and directions for any work upon which call for bids has been published, upon written request therefor and payment to the (~~(highway commission)~~) department of a reasonable sum as required by the (~~(highway commission)~~) department in the call for bids for each copy of such maps, plans, and specifications. Any money so received shall be certified by the (~~(highway commission)~~) department to the state treasurer and deposited to the credit of the motor vehicle fund (~~(PROVIDED, That)~~). The (~~(highway commission)~~) department may deliver with or without charge informational copies of maps, plans, specifications, and directions at such places as it may from time to time designate.

Sec. 169. Section 47.28.070, chapter 13, Laws of 1961 as amended by section 39, chapter 145, Laws of 1967 ex. sess. and RCW 47.28.070 are each amended to read as follows:

Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the (~~(highway commission)~~) department and in no other manner. The (~~(highway~~

~~commission~~) department shall, before furnishing any person, firm, or corporation desiring to bid upon any work for which a call for bid proposals has been published with a contract proposal form, require from ~~(such)~~ the person, firm, or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of ~~(such)~~ the person, firm, or corporation in performing state highway, road, or other public work. ~~(Such)~~ The questionnaire and financial statement shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the ~~(highway commission)~~ department may require. Whenever the ~~(highway commission)~~ department is not satisfied with the sufficiency of the answers contained in ~~(such)~~ the questionnaire and financial statement or whenever the ~~(highway commission)~~ department determines that ~~(such)~~ the person, firm, or corporation does not meet all of the requirements ~~(hereinafter)~~ set forth in this section it may refuse to furnish ~~(such)~~ the person, firm, or corporation with a contract proposal form, and any bid proposal of ~~(such)~~ the person, firm, or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm, or corporation shall have all of the following requirements:

- (1) Adequate financial resources or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

~~(Such)~~ The refusal ~~(shall be)~~ is conclusive unless appeal therefrom to the superior court of Thurston county ~~(be)~~ is taken within five days, which appeal shall be heard summarily within ten days after ~~(the same)~~ it is taken and on five days' notice thereof to the ~~(highway commission)~~ department.

Sec. 170. Section 47.28.080, chapter 13, Laws of 1961 and RCW 47.28.080 are each amended to read as follows:

Any person, firm, or corporation proposing a bid for the construction or improvement of any state highway in response to a call for bids published therefor may withdraw ~~(such)~~ the bid proposal without forfeiture and without prejudice to the right of ~~(such)~~ the bidder to file a new bid proposal before the time fixed for the opening of ~~(such)~~ the bid proposals ~~(: PROVIDED, That)~~. The request for ~~(such)~~ the withdrawal shall ~~(have been)~~ be made in writing, signed by the person proposing ~~(such)~~ the bid

or his duly authorized agent, and filed with the ~~((highway commission))~~ department before the time fixed for the opening of ~~((such))~~ the bid proposals. No bid proposal ~~((shall))~~ may be considered ~~((which))~~ that has not been filed with the ~~((highway commission))~~ department before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when ~~((such))~~ the bid proposals are actually opened.

Sec. 171. Section 47.28.100, chapter 13, Laws of 1961 and RCW 47.28.100 are each amended to read as follows:

If the successful bidder fails to enter into the contract and furnish satisfactory bond as provided by law ~~((provided))~~ within twenty days from the award, exclusive of the day of the award, his deposit shall be forfeited to the state and ~~((be))~~ deposited by the state treasurer to the credit of the motor vehicle fund, and the ~~((highway commission))~~ department may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him, forfeiture of his deposit shall also be made, and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted~~((PROVIDED, That))~~. If the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances ~~((which))~~ that are deemed to warrant an extension of time, the ~~((commission))~~ department may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned~~((PROVIDED, That))~~, but the ~~((commission))~~ department may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond is provided by the bidder to whom the award ~~((was))~~ is ultimately made.

If in the opinion of the ~~((commission))~~ department the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders~~((;))~~ the acceptance of the bid of the remaining lowest responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish a call for bids in the same manner as for an original publication thereof.

Sec. 172. Section 47.28.110, chapter 13, Laws of 1961 and RCW 47.28.110 are each amended to read as follows:

At any time and as often as it may be deemed necessary, the ~~((highway commission))~~ department may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond.

Whenever ~~((such))~~ the surety or sureties upon any contractor's bond become insufficient or ~~((may be))~~ are deemed by the ~~((highway commission))~~ department to have become insufficient, the ~~((highway commission))~~ department may demand in writing that the contracting person, firm, or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon ~~((such))~~ the contract. No further payments ~~((shall))~~ may be made on ~~((such))~~ the contract until such additional surety as is required is furnished.

Sec. 173. Section 47.28.120, chapter 13, Laws of 1961 and RCW 47.28.120 are each amended to read as follows:

Any contracting person, firm, or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the ~~((highway commission))~~ department or any person claiming any right of action upon any such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the ~~((highway commission))~~ department; otherwise ~~((such))~~ the action ~~((shall be))~~ is forever barred.

Sec. 174. Section 47.28.140, chapter 13, Laws of 1961 as amended by section 6, chapter 108, Laws of 1967 and RCW 47.28.140 are each amended to read as follows:

When in the opinion of the governing authorities representing the ~~((state))~~ department ~~((of highways))~~ and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the ~~((said highway))~~ department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform ~~((such))~~ the work or improvement in the first instance. ~~((Said))~~ The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, including any urban public transportation system, the department ~~((of highways))~~ may contribute to the cost



thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of ~~((said))~~ the particular public works project.

Sec. 175. Section 1, chapter 89, Laws of 1971 ex. sess. and RCW 47.28.170 are each amended to read as follows:

(1) Whenever the ~~((state-highway))~~ commission finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the commission further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the ~~((highway))~~ commission may authorize the department ~~((of-highways))~~ to obtain at least three written bids for the work without publishing a call for bids and ~~((to))~~ award a contract forthwith to the lowest responsible bidder.

The department ~~((of-highways))~~ shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the ~~((state-highway))~~ commission finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the ~~((highway))~~ commission may authorize the department ~~((of-highways))~~ to contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars, the ~~((director-of-highways))~~ secretary may make findings as provided hereinabove, and pursuant thereto the department ~~((of-highways))~~ may award contracts as authorized by this section.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 176. Section 47.32.010, chapter 13, Laws of 1961 and RCW 47.32.010 are each amended to read as follows:

Whenever the ~~((highway-commission-shall))~~ department determines and orders that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement, or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such

state highway free from any and all obstructions, encroachments, and occupancy, other than pole lines, pipe lines, or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and ~~((shall))~~ causes due notice of ~~((such))~~ the order to be given as provided by law, ~~((such))~~ the obstructions, encroachments, and means of occupancy, and any structure, building, improvement, or other means of occupancy of any of the right of way of ~~((said))~~ the state highway not removed within the time allowed by law shall become ~~((thereby and be))~~ an unlawful property and may be confiscated, removed, and sold or destroyed by the state of Washington according to procedure as ~~((hereinafter))~~ provided in this chapter, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It ~~((shall be))~~ is unlawful for any person to keep, maintain, or occupy any such unlawful structure.

Sec. 177. Section 47.32.020, chapter 13, Laws of 1961 as amended by section 46, chapter 292, Laws of 1971 ex. sess. and RCW 47.32.020 are each amended to read as follows:

Whenever the ~~((highway commission shall))~~ department determines that the right of way of any state highway or any portion of the right of way of any state highway shall be made free from any and all obstructions, encroachments, and occupancy it shall forthwith cause to be posted, by a competent person eighteen years of age or over upon any and all structures, buildings, improvements, and other means of occupancy of ~~((such))~~ the state highway or portion thereof, other than property of public or quasi-public utilities, by virtue of a valid franchise, a notice bearing a copy of ~~((such))~~ the order and dated as of the date of posting, to all whom it may concern to vacate ~~((such))~~ the right of way and to remove all property ~~((therefrom forthwith and))~~ from the right of way within ten days after the posting of ~~((such))~~ the notice, exclusive of the date of posting ~~((of the same, and))~~. The department shall also require the filing ~~((with it))~~ of duplicate affidavits in proof of ~~((such))~~ the postings, showing upon what structures, buildings, improvements, or other means of occupancy of ~~((such))~~ the state highway or portions thereof, respectively, copies of ~~((such))~~ the notice were posted and the date of each such posting, sworn to by the person making ~~((such))~~ the posting.

Sec. 178. Section 47.32.030, chapter 13, Laws of 1961 and RCW 47.32.030 are each amended to read as follows:

In case the property or any portion thereof described in ~~((such))~~ the notice is not removed from ~~((such))~~ the right of way within ten days after the date of ~~((such))~~ the posting, exclusive of the date of posting, all such property upon the right of way of ~~((said))~~ the state highway or portion thereof ~~((shall thereupon))~~ becomes unlawful, and the ~~((highway commission))~~ department shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The ~~((highway commission))~~ department shall thereupon prepare two original copies of

~~((such))~~ the order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by ~~((said highway commission))~~ the department describing with reasonable certainty and with due reference to the center line stationing of ~~((said))~~ the state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment, or other means of occupancy, other than pole lines, pipe lines, or other structures maintained for public and quasi-public utilities, on the state highway or portion thereof specified in ~~((such))~~ the order ~~((and remaining))~~ that remain upon ~~((such))~~ the right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which ~~((such))~~ the state highway or portion thereof containing ~~((such))~~ the structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each ~~((such))~~ unlawful structure, building, improvement, encroachment, or other means of occupancy, which structures, buildings, improvements, encroachments, or other means of occupancy shall be briefly named as defendants.

Sec. 179. Section 47.32.040, chapter 13, Laws of 1961 and RCW 47-32.040 are each amended to read as follows:

The complaint shall, in such action, describe ~~((such))~~ the property unlawfully remaining upon the right of way of ~~((such))~~ the state highway or portion thereof with reasonable certainty by reference to the certificate of the ~~((highway commission))~~ department, which shall be attached to and filed with ~~((said))~~ the complaint, and pray~~((ing))~~ that an order be entered for the removal from the right of way of ~~((such))~~ the state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

Sec. 180. Section 47.32.060, chapter 13, Laws of 1961 and RCW 47-32.060 are each amended to read as follows:

At the time and place appointed for hearing upon ~~((said))~~ the complaint, which hearing shall be by summary proceedings, if the court or judge thereof ~~((shall))~~ finds that due notice has been given by posting and publication and that the order of the ~~((highway commission))~~ department was duly made, and ~~((shall be))~~ is further satisfied and finds that the state highway or portion thereof described is legally a state highway having the width of right of way specified in ~~((such))~~ the order and that the structure, buildings, improvements, or other means of occupancy of ~~((such))~~ the state highway or portion thereof as stated in the certificate of the ~~((highway commission))~~ department do in fact encroach, or that any portion thereof encroach, upon ~~((such))~~ the state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements, and other means of occupancy specified in ~~((such))~~ the order is unlawfully maintained within the right of way and is subject to confiscation and sale and that ~~((the same))~~ they be

forthwith confiscated, removed from ~~((such))~~ the right of way<sub>1</sub> and sold, and providing that six days after the entry of ~~((such))~~ the order, a writ shall issue ~~((out of said))~~ from the court directed to the sheriff of ~~((such))~~ the county, commanding ~~((such))~~ the sheriff to seize and remove from the right of way of ~~((said))~~ the state highway each such structure, building, improvement<sub>2</sub>, or other means of occupancy specified in ~~((such))~~ the order forthwith on receipt of a writ based on ~~((said))~~ the order and to take and hold the ~~((same))~~ property in his custody for a period of ten days<sub>2</sub>, unless ~~((sooner))~~ redelivered earlier as provided for by law<sub>2</sub>, and if not then so redelivered to sell the ~~((same))~~ property at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of ~~((such))~~ the writ, and further in such action, including costs of posting original notices of the ~~((highway commission))~~ department, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and ~~((by him))~~ credited to the motor vehicle fund. ~~((Such))~~ The order shall be filed with the clerk of ~~((such))~~ the court and recorded in the minutes of ~~((said))~~ the court, and ~~((be))~~ is final unless review thereof is taken to the supreme court of the state ~~((be taken))~~ within five days after ~~((the))~~ filing ~~((thereof))~~ of the order.

Sec. 181. Section 47.32.100, chapter 13, Laws of 1961 and RCW 47.32.100 are each amended to read as follows:

If the claimant makes good ~~((such))~~ the claimant's title to or right to possession of the property, upon payment into the registry of the court~~((;))~~ of the costs of service or posting of original notice issued by the ~~((highway commission))~~ department with respect to ~~((such))~~ the property, the cost of posting notice of hearing in ~~((such))~~ the court and such proportion of the cost of publication of ~~((such))~~ the notice as the court may fix and direct to be entered and the clerk's fees of filing ~~((such))~~ the affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring ~~((such))~~ the property to ~~((such))~~ the claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the ~~((same))~~ property and making return thereon, and continuing the effect of ~~((such))~~ the bond for a period of six years thereafter for the benefit of such adverse claimants to ~~((said))~~ the property, if any, as may thereafter make claim to ~~((such))~~ the property. If ~~((such))~~ the claimant ~~((shall))~~ does not make good such claim of title to or right to possession of ~~((such))~~ the property, judgment shall be rendered against ~~((such))~~ the claimant and the sureties of ~~((such))~~ the claimant for the value of ~~((such))~~ the property as finally shown by the affidavit as above provided for, together with such fees for filing ~~((such))~~ the affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action

including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling ~~((such))~~ the property or making return thereon.

Sec. 182. Section 47.32.110, chapter 13, Laws of 1961 and RCW 47-32.110 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to build, erect, establish, operate, maintain, or conduct along and upon the right of way of any state highway any platform, box, stand, or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending, or delivering any milk, milk cans, vegetables, fruits, merchandise, produce, or any other thing or commodity of any nature unless a permit therefor ~~((shall))~~ has first ~~((have))~~ been obtained from the ~~((highway commission))~~ department. The ~~((highway commission))~~ department shall in each instance determine where any platform, box, stand, or any other temporary or permanent device or structure shall be permitted ~~((and))~~. Upon the existence of any such device or structure without a permit having been first obtained, ~~((the same))~~ it shall be considered an obstruction unlawfully upon the right of way of ~~((such))~~ the state highway, and the ~~((highway commission))~~ department may proceed to effect ~~((the))~~ its removal ~~((of the same))~~.

Sec. 183. Section 47.32.120, chapter 13, Laws of 1961 and RCW 47-32.120 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining ~~((such))~~ the structure or establishment unless ~~((such))~~ the structure or establishment ~~((be so))~~ is located at a distance from the right of way of any state highway so that none of the right of way thereof is required for the use of the patrons or customers of ~~((any such))~~ the establishment. Any such structure erected or business maintained ~~((which))~~ that makes use of or tends to invite patrons to ~~((make))~~ use ~~((of))~~ the right of way or any portion thereof of any state highway by occupying ~~((the same))~~ it while a patron(:) is a public nuisance, and the ~~((highway commission))~~ department may fence the right of way of ~~((such))~~ the state highway to prevent such unauthorized use thereof.

Sec. 184. Section 47.32.130, chapter 13, Laws of 1961 and RCW 47-32.130 are each amended to read as follows:

(1) Whenever there ~~((shall))~~ exists upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device, or natural or artificial thing ~~((which))~~ that threatens or endangers ~~((such))~~ the state highway or portion thereof, or ~~((which))~~ that tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, ~~((such))~~ the structure, device, or natural or artificial thing is ~~((hereby))~~ declared to be a public nuisance, and the ~~((highway commission))~~ department

is empowered to take such action as may be necessary to effect ~~((the))~~ its abatement ~~((of the same))~~. Any such structure, device, or natural or artificial thing considered by the ~~((highway commission))~~ department to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed, and ~~((such))~~ the removal ~~((shall))~~ in no event constitute a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the ~~((highway commission))~~ department.

Sec. 185. Section 47.32.150, chapter 13, Laws of 1961 and RCW 47.32.150 are each amended to read as follows:

No person, firm, or corporation ~~((shall hereafter))~~ may be permitted to build or construct on state highway rights of way any approach road or any other facility, thing, or appurtenance not heretofore permitted by law, without first obtaining written permission from the ~~((highway commission of this state))~~ department.

Sec. 186. Section 47.32.160, chapter 13, Laws of 1961 and RCW 47.32.160 are each amended to read as follows:

The ~~((highway commission))~~ department is hereby authorized and empowered at its discretion to adopt reasonable rules ~~((and regulations))~~ and issue permits, not inconsistent with previous laws in effect, for the construction of any approach road, facility, thing, or appurtenance, upon state highway rights of way. ~~((Such))~~ The rules ~~((and regulations))~~ and ~~((such))~~ permits may include, but need not be limited to ~~((include))~~, provisions for construction of culverts under approaches, requirements as to depth of fills over culverts, and requirements for such drainage facilities insofar as the ~~((said commission may))~~ department deems any of such provisions or requirements to be necessary, and any ~~((such))~~ permit issued may contain such terms and conditions as may be prescribed. All such construction shall be under the supervision of the ~~((highway commission))~~ department and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing, or appurtenance, ~~((the same))~~ it shall be maintained at the expense of the applicant and in accordance with the directions of the ~~((highway commission))~~ department.

Sec. 187. Section 47.32.170, chapter 13, Laws of 1961 and RCW 47.32.170 are each amended to read as follows:

Upon failure of the applicant to construct or maintain the particular approach road, facility, thing, or appurtenance~~(;)~~ in accordance with the conditions of the permit and in accordance with the rules ~~((and regulations))~~ of the ~~((said highway commission therefor))~~ department, the ~~((highway commission))~~ department may, after the expiration of thirty days

following transmittal of a written notice to the applicant, remove all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the ~~((highway commission))~~ department for the state in any court of competent jurisdiction.

Sec. 188. Section 47.36.010, chapter 13, Laws of 1961 and RCW 47-36.010 are each amended to read as follows:

~~((It shall be the duty of the highway commission to))~~ The department shall fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway, and ~~((to))~~ aid in the reestablishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the department's office ~~((of the highway commission))~~.

Sec. 189. Section 47.36.040, chapter 13, Laws of 1961 and RCW 47-36.040 are each amended to read as follows:

The ~~((highway commission))~~ department, upon written request, shall cause to be manufactured, painted, and printed, and shall furnish to any ~~((board of))~~ county ~~((commissioners))~~ legislative authority or the governing body of any incorporated city or town, directional signboards, guide boards, and posts of the uniform state standard of color, shape, and design for the erection and maintenance thereof by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdictions. ~~((Such))~~ The directional signboards, guide boards, and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The ~~((highway commission is hereby authorized and directed to))~~ department shall fix a charge for each signboard, guide board, and post manufactured and furnished as aforesaid, based upon the ultimate cost of ~~((such))~~ the operations to the ~~((highway commission))~~ department, and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards, and posts so received from the ~~((highway commission))~~ department.

Sec. 190. Section 47.36.050, chapter 13, Laws of 1961 and RCW 47-36.050 are each amended to read as follows:

~~((It shall be the duty of the highway commission to))~~ The department shall erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts, and

other traffic devices according to the adopted and designated state standard of design, erection, and location, and in the manner required by law (~~(; it shall be the duty of the highway commission to)~~). The department shall erect and maintain upon all state highways appropriate stop signs, warning signs, and school signs. Any person, firm, corporation, or municipal corporation, building, owning, controlling, or operating a railroad that crosses any state highway at grade shall construct, erect, and maintain at or near each point of crossing, or at such point or points as will meet the approval of the ((highway commission)) department, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon(;) and also a suitable inscription indicating the number of tracks(;; said)). The sign must be of standard design that will comply with the plans and specifications furnished by the ((highway commission)) department. Additional safety devices and signs may be installed at any time when required by the utilities and transportation commission as provided by laws regulating railroad-highway grade crossings.

Sec. 191. Section 47.36.053, chapter 13, Laws of 1961 and RCW 47.36.053 are each amended to read as follows:

The ~~((highway commission))~~ department shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all state highways as it ~~((shall))~~ deems necessary to carry out the provisions of this title or to regulate, warn, or guide traffic.

Sec. 192. Section 47.36.060, chapter 13, Laws of 1961 and RCW 47.36.060 are each amended to read as follows:

Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets ~~((which))~~ that are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. ~~((Such))~~ The traffic devices, signs, signals, and markers shall comply with the uniform state standard for the manufacture, display, direction, and location thereof as designated by the ~~((state highway commission))~~ department. The design, location, erection, and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to ((such)) the city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the ((state highway commission)) department, and if ((such)) the city or town fails to comply with any such directions, the ((state highway commission)) department shall provide for the design, location, erection, or operation thereof, and any cost



incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state(~~(-which))~~ that have accrued or may accrue to the credit of (~~(such))~~ the city or town, and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the (~~(state-highway-commission))~~ department.

Sec. 193. Section 47.36.070, chapter 13, Laws of 1961 and RCW 47.36.070 are each amended to read as follows:

Whenever any person, firm, corporation, municipal corporation, or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects, or refuses to erect and maintain, or either, (~~(such))~~ the sign or signs as required by law at highway-railroad grade crossings, (~~(it shall be the duty of))~~ the utilities and transportation commission shall upon complaint of the (~~(highway-commission))~~ department or upon complaint of any party interested, or upon its own motion, (~~(to))~~ enter upon a hearing in the manner (~~(now))~~ provided by law for hearings with respect to railroad-highway grade crossings and (~~(to))~~ make and enforce proper orders for the erection or maintenance of (~~(such))~~ the signs, or both.

Sec. 194. Section 47.36.080, chapter 13, Laws of 1961 and RCW 47.36.080 are each amended to read as follows:

Wherever it is considered necessary or convenient the (~~(highway-commission))~~ department may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The (~~(highway-commission))~~ department may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

Sec. 195. Section 47.36.090, chapter 13, Laws of 1961 and RCW 47.36.090 are each amended to read as follows:

Standard federal road markers shall be placed on state highways in the manner requested by the department of (~~(commerce))~~ transportation of the United States. The (~~(highway-commission))~~ department of transportation of the state of Washington is authorized and empowered to cooperate with the several states and with the federal government in promoting, formulating, and adopting a standard and uniform system of numbering or designating state highways of an interstate character and in promoting, formulating, and adopting uniform and standard specifications for the manufacture, display, erection, and location of road markers and signs, for the information, direction, and control of persons traveling upon public highways.

Sec. 196. Section 1, chapter 24, Laws of 1963 as amended by section 43, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.095 are each amended to read as follows:

The (~~state highway commission~~) department is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with (~~such~~) that system, and to install signs in accord therewith on such state highways and branches, or portions thereof. (~~Such~~) The system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature.

Sec. 197. Section 46, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.097 are each amended to read as follows:

Designations or redesignations assigned under (~~such~~) the system by the (~~highway commission~~) department pursuant to RCW 47.36.095 as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes.

Sec. 198. Section 47.36.100, chapter 13, Laws of 1961 as amended by section 38, chapter 145, Laws of 1967 ex. sess. and RCW 47.36.100 are each amended to read as follows:

Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The (~~highway commission~~) department may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed, erected, and maintained by the (~~highway commission~~) department as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road (~~which~~) that has been designated by the (~~highway commission~~) department as an arterial having preference over the traffic on the state highway; and upon at least one state highway at the intersection of two state highways.

Sec. 199. Section 47.36.110, chapter 13, Laws of 1961 as amended by section 49, chapter 3, Laws of 1963 ex. sess. and RCW 47.36.110 are each amended to read as follows:

In order to provide safety at intersections on the state highway system, the (~~Washington state highway commission~~) department may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state (~~of Washington~~) department of (~~highways~~)

transportation's "Manual ((for Signing)) on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign, and the appearance of any sign so located ((shall be)) is sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through ((such)) that portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It ((shall be)) is unlawful to fail to comply with the directions of any such ((a)) stop sign(( ~~PROVIDED; That~~)). When the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the ((Washington state highway commission)) department or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

~~((The driver of a vehicle approaching a "Yield" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute.))~~

Sec. 200. Section 47.36.120, chapter 13, Laws of 1961 and RCW 47.36.120 are each amended to read as follows:

The ((highway commission)) department shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of ((such)) the cities or towns.

Sec. 201. Section 47.36.180, chapter 13, Laws of 1961 and RCW 47.36.180 are each amended to read as follows:

It ((shall be)) is unlawful to erect or maintain at or near a city street, county road, or state highway any structure, sign, or device:

(1) Visible from a city street, county road, or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road, or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape, and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road, or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street, or county road, or any glaring light, or any light likely

to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road, or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street, or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the (~~Washington state highway commission~~) department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the (~~Washington state highway commission~~) department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town may abate the nuisance.

If the owner (~~shall~~) fails to remove any such structure or device within fifteen days after being notified to remove (~~such~~) the structure or device, he (~~shall be~~) is guilty of a misdemeanor.

Sec. 202. Section 47.36.200, chapter 13, Laws of 1961 and RCW 47.36.200 are each amended to read as follows:

When construction, repair, or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge, or other thoroughfare commonly traveled and when (~~such~~) the work interferes with the normal and established mode of travel on (~~such~~) the highway, county road, street, bridge, or thoroughfare, (~~such~~) the location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the (~~Washington state highway commission~~) department of transportation.

Sec. 203. Section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250 are each amended to read as follows:

If the (~~highway commission~~) department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the (~~commission~~) department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

(1) Dangerous road conditions, chains(;) or other approved traction devices recommended.

(2) Dangerous road conditions, chains(;) or other approved traction devices required.

## (3) Dangerous road conditions, chains required.

Any equipment (~~(which)~~) that may be required by this section shall be approved by the state commission on equipment as authorized under RCW 46.37.420.

The (~~(highway commission)~~) department shall place and maintain signs and other traffic control devices on the public highways (~~(which shall)~~) that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1<sup>st</sup> to April 1<sup>st</sup>, but when the (~~(highway commission)~~) department determines that chains are required and that no other traction equipment will suffice, (~~(such)~~) the requirement (~~(shall be)~~) is applicable to all types of tires including studded tires. (~~(Such)~~) The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section (~~(shall be)~~) is a misdemeanor.

Sec. 204. Section 29, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.010 are each amended to read as follows:

Pursuant to chapter 34.04 RCW, the (~~(state highway commission)~~) department shall (~~(promulgate)~~) adopt rules (~~(and regulations)~~) consistent with the safety of the traveling public to govern the use and control of rest areas and other areas as designated in RCW 47.12.250(~~(as now or hereafter amended)~~). Nothing herein (~~(shall)~~) may be construed as limiting the powers of the (~~(highway commission)~~) department as provided by law.

Sec. 205. Section 30, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.020 are each amended to read as follows:

Except where specifically authorized by the (~~(state highway commission)~~) department, it (~~(shall be)~~) is unlawful for any person or persons to stop, stand, or park(~~(;)~~) any vehicle, including but not limited to trailers, campers, and motorcycles, for more than eight hours, or for any person or persons to camp(~~(;)~~) or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250(~~(as now or hereafter amended: PROVIDED, That)~~). This section (~~(shall)~~) does not apply to disabled vehicles.

Sec. 206. Section 32, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.040 are each amended to read as follows:

In order to provide information in the specific interest of the traveling public, the (~~(commission)~~) department may establish information centers at safety rest areas and permit maps, informational directories, and advertising

pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the ~~((commission may))~~ department deems desirable.

Sec. 207. Section 3, chapter 85, Laws of 1967 ex. sess. and RCW 47-39.030 are each amended to read as follows:

(1) The ~~((highway commission))~~ department shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes~~((:));~~; (b) construction of the portion of the highway designed primarily for motor vehicle travel~~((:));~~; (c) exit and entrance roadways providing access to scenic observation points~~((:));~~; (d) safety rest areas~~((:));~~; (e) roadside landscaping within the portion of the highway right of way acquired by the ~~((highway commission))~~ department for state highway purposes~~((:));~~; (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways~~((:));~~; and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12-.250, for which the ~~((highway commission))~~ department shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the ~~((highway commission))~~ department and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section.

Sec. 208. Section 4, chapter 85, Laws of 1967 ex. sess. and RCW 47-39.040 are each amended to read as follows:

The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the state ~~((office of))~~ planning and community affairs agency. The ~~((highway commission))~~ department of transportation, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit, and file with the state ~~((office of))~~ planning and community affairs agency standards relating to the scenic and recreational highway system. ~~((In the event))~~ If varying planning and design standards are filed, the state ~~((office of))~~ planning and community affairs agency shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the ~~((highway commission))~~ department of transportation and the parks and recreation commission shall develop the

highways and areas adjacent thereto to accomplish the purposes of this chapter (~~(: PROVIDED, That the highway commission)~~), but the department shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the (~~(highway commission)~~) department and the parks and recreation commission with the (~~(highway commission)~~) department responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two (~~(commission)~~) agencies.

Sec. 209. Section 6, chapter 85, Laws of 1967 ex. sess. and RCW 47.39.060 are each amended to read as follows:

The (~~(highway commission)~~) department and the parks and recreation commission shall on any maps, or in any relevant descriptive material they may prepare at state expense, include reference to those portions of highways designated in RCW 47.39.020 by appropriate color or code designation.

Sec. 210. Section 47.40.020, chapter 13, Laws of 1961 and RCW 47.40.020 are each amended to read as follows:

Whenever funds are available for the (~~(purpose of)~~) planting or (~~(cultivating)~~) cultivation of any shrubs, trees, hedges, or other domestic or native ornamental growth, the improvement of roadside facilities and view points (~~(and)~~), the correction of unsightly conditions upon the right of way of any state highway, and for (~~(the)~~) roadside development and beautification (~~(thereof)~~), the (~~(highway commission)~~) department is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision, or any person, firm, corporation, association, or organization.

Sec. 211. Section 47.40.030, chapter 13, Laws of 1961 and RCW 47.40.030 are each amended to read as follows:

Any person, firm, corporation, association, or organization owning lands abutting upon any state highway and desiring to plant, cultivate, and grow any hedge, shade trees, or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of (~~(such)~~) the state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association, or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating, or growing any hedge(~~(;)~~) or shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the (~~(highway commission)~~) department, be granted a permit therefor as provided by law (~~(provided)~~).

Sec. 212. Section 47.40.050, chapter 13, Laws of 1961 and RCW 47-40.050 are each amended to read as follows:

Upon the filing of such application, the ~~((highway commission))~~ department shall cause a survey of ~~((such))~~ the state highway to be made with reference to ~~((such))~~ the application and a report of the findings and recommendations as to the granting of the permit, and if it ~~((shall))~~ appears to the satisfaction of the ~~((highway commission))~~ department that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of ~~((such))~~ the state highway for public travel and will beautify and improve ~~((such))~~ the state highway, a permit may be granted and issued to the applicant to plant, cultivate, and grow any hedge, shade or ornamental trees, shrubbery, or crops, or make such improvement along or upon the right of way of such portion of ~~((such))~~ the state highway as ~~((shall be))~~ is definitely described in ~~((said))~~ the permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as ~~((shall be))~~ is specified in ~~((such))~~ the permit~~((, and such))~~. The permit shall specify the exact location of all hedges, shade or ornamental trees, or shrubbery to be planted and grown, or the area to be cultivated under ~~((such))~~ the permit, or the area to be improved to which specified location the person, firm, corporation, association, or organization receiving ~~((such))~~ the permit shall specifically conform~~((: PROVIDED, That the highway commission))~~. The department may in its discretion refuse ~~((such))~~ to issue the permit, and any such permit that is granted ~~((shall be))~~ is revocable at the will of the ~~((highway commission))~~ department and nothing in this title ~~((shall))~~ may be construed as in anywise affecting the title of the state to the lands included in ~~((such))~~ the state highway, or the right to use the ~~((same))~~ lands for state highway purposes, or to remove or destroy any of such hedges, trees, shrubbery, or crops for the purpose of construction, alteration, repair, improvement, or maintenance of ~~((such))~~ the state highway, or for any other purpose and at any time.

Sec. 213. Section 47.40.060, chapter 13, Laws of 1961 and RCW 47-40.060 are each amended to read as follows:

~~((In the event that))~~ If any such permit is granted, the ~~((highway commission))~~ department shall enter into an agreement with ~~((any such))~~ the person, firm, corporation, association, or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the ~~((highway commission))~~ department or by ~~((such))~~ the person, firm, corporation, association, or organization. ~~((In the event that))~~ If any such person, firm, corporation, association, or organization so agreeing ~~((shall))~~ fails or neglects to maintain ~~((such))~~ the roadside development or beautification, the ~~((highway commission))~~ department is empowered ~~((so))~~ to do so, and the expense thereof shall be a charge against ~~((such))~~ the person, firm, corporation, association, or organization.



Sec. 214. Section 47.40.070, chapter 13, Laws of 1961 and RCW 47-40.070 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to injure, destroy, or remove any hedge, shade or ornamental trees ~~((or))~~, shrubbery, or crops, ~~((plants))~~ planted, cultivated, and grown or improvement made upon or along any portion of any state highway under permit from the ~~((highway commission))~~ department or otherwise, or to injure, destroy, or remove any fence erected under any such permit or otherwise ~~((-PROVIDED, That))~~. How- ever, nothing in this section ~~((shall))~~ may be construed to prevent any person with the ~~((highway commission))~~ department to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery, or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of ~~((such))~~ the state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement, or maintenance of ~~((such))~~ the state highway.

Sec. 215. Section 48, chapter 281, Laws of 1969 ex. sess. and RCW 47.40.090 are each amended to read as follows:

The ~~((highway commission;))~~ department and any other governmental subdivision shall, with the staff, equipment, and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or glass containers along the right of way of any public road or public highway.

Sec. 216. Section 2, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.020 are each amended to read as follows:

~~((When used in))~~ The definitions set forth in this section apply throughout this chapter~~((; the term:))~~.

(1) "Junk" ~~((shall))~~ means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" ~~((shall))~~ means any establishment or place of business ~~((which))~~ that is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" ~~((shall))~~ means an establishment or place of business ~~((which))~~ that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term ~~((shall))~~ includes garbage dumps and sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated or as may hereafter be so designated by the ~~((commission))~~ department and approved by the United States secretary of transportation ~~((pursuant to the provisions of))~~ under Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the ~~((commission))~~ department and approved by the United States secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "~~((Commission))~~ Department" means the Washington state ~~((highway-commission))~~ department of transportation.

Sec. 217. Section 3, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.030 are each amended to read as follows:

No person ~~((staff))~~ may establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight~~((:))~~;

(2) Those located within areas which are zoned for industrial use under authority of law~~((:))~~;

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by ~~((regulations to be promulgated))~~ rules adopted by the ~~((commission))~~ department and approved by the United States secretary of transportation~~((:))~~; and

(4) Those which are not visible from the main-traveled way of the system.

Sec. 218. Section 4, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.040 are each amended to read as follows:

~~((Prior to the first day of))~~ Before July 1, 1971, the ~~((highway-commission))~~ department shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined ~~((herein))~~ under RCW 47.41.030 on August 9, 1971 ~~((which))~~, that is within one thousand feet of the nearest edge of the right of way and visible from the main~~((=))~~ traveled way of any highway on the interstate and primary system and whether screening of ~~((such))~~ the junkyard would be economically feasible. Within thirty days thereafter the ~~((commission))~~ department shall notify by ~~((registered-or))~~ certified mail the record owner of the land upon which ~~((such))~~ the junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen ~~((any-such))~~ the junkyard, the ~~((commission))~~ department shall screen the ~~((same))~~ junkyard so that it will not be visible from the main-traveled way of ~~((such))~~ the highway. The ~~((highway-commission))~~ department is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for ~~((such))~~ these purposes.

~~((In the event that))~~ If it is not economically feasible to screen ~~((any such))~~ the junkyard, the ~~((highway commission))~~ department shall acquire by purchase, gift, or condemnation an interest in the real property used for junkyard purposes ~~((which))~~ that is visible from the main traveled way of ~~((such))~~ the highway, restricting any owner of the remaining interest to use of ~~((such))~~ the real estate for purposes other than a junkyard. In addition to compensation for ~~((such))~~ the real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated, and maintained. This section shall be interpreted as being in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain.

Sec. 219. Section 5, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.050 are each amended to read as follows:

The ~~((commission))~~ department shall ~~((prescribe regulations))~~ adopt rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the United States secretary of transportation. Proceedings for review of any action taken by the ~~((commission))~~ department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

Sec. 220. Section 7, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.070 are each amended to read as follows:

If the owner of the land upon which any such junkyard is located, or the operator thereof, as the case may be, ~~((shall))~~ fails to comply with the notice or remove any such junk within the time provided in this chapter after being so notified, he ~~((shall be))~~ is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this chapter. Each day ~~((such))~~ the junkyard ~~((shall be))~~ is maintained in a manner so as not to comply with this chapter ~~((shall))~~ constitutes a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, ~~((shall))~~ is not ~~((be))~~ found or refuses receipt of the notice, the ~~((commission))~~ department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as provided in this chapter ~~((provided))~~. If the notice is not complied with, the ~~((commission))~~ department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for ~~((so))~~ doing so.

Sec. 221. Section 8, chapter 101, Laws of 1971 ex. sess. and RCW 47-41.080 are each amended to read as follows:

The ~~((commission))~~ department is ~~((hereby))~~ authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of ~~((such))~~ the agreement.

Sec. 222. Section 2, chapter 96, Laws of 1961 as last amended by section 1, chapter 258, Laws of 1977 ex. sess. and RCW 47.42.020 are each amended to read as follows:

~~((When used in))~~ The definitions set forth in this section apply throughout this chapter ~~((the term:))~~.

(1) "~~((Commission))~~ Department" means the Washington state ~~((highway commission;))~~ department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish~~((;))~~.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code~~((;))~~.

(4) "Maintain" means to allow to exist~~((;))~~.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals~~((;))~~.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code~~((;))~~.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof~~((;))~~ outside the boundaries of any incorporated city or town~~((;))~~ designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025~~((;))~~.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing ~~((which))~~ that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway~~((;))~~.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial ~~((and/or))~~ or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred

feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which ~~((such))~~ the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence. ~~((Should))~~ If any commercial or industrial activity~~((which))~~ that has been used in defining or delineating an unzoned area~~((;))~~ ceases to operate for a period of six continuous months, any signs located within the former unzoned area ~~((shall))~~ become nonconforming and shall not be maintained by any person ~~((after three years from May 10, 1971))~~.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

- (a) The words "GAS~~((;))~~," "FOOD~~((;))~~," or "LODGING" and directional information; and
- (b) One or more individual business signs mounted on the panel~~((;))~~.

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited~~((;))~~.

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

Sec. 223. Section 2, chapter 80, Laws of 1974 ex. sess. and RCW 47-42.046 are each amended to read as follows:

The ~~((Washington state highway commission))~~ department is authorized to erect and maintain specific information panels within the right of

way of the interstate highway system to give the traveling public specific information as to gas, food, or lodging available on a crossroad at or near an interchange. Specific information panels shall include the words "GAS((~~+~~);),\_" "FOOD((~~+~~);),\_" or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and ((~~regulations~~)) rules adopted by the ((~~commission~~)) state department of transportation. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the ((~~commission~~)) department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The ((~~commission~~)) department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

Sec. 224. Section 4, chapter 80, Laws of 1974 ex. sess. and RCW 47-42.047 are each amended to read as follows:

The ((~~Washington state highway commission~~)) department is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels shall include the words "GAS((~~+~~);),\_" "FOOD((~~+~~);),\_" "RECREATION((~~+~~);),\_" or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and ((~~regulations~~)) rules adopted by the ((~~commission~~)) state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the ((~~commission~~)) department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The ((~~commission~~)) department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

Sec. 225. Section 2, chapter 258, Laws of 1977 ex. sess. and RCW 47-42.055 are each amended to read as follows:

The ~~((commission))~~ department is authorized to permit the erection of roadside area information panels or displays adjacent to the state highway system within this state. The ~~((commission))~~ department shall contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees ~~((which))~~ that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists. No state funds ~~((with))~~ may be expended in materials, personnel, or in any other form for the construction, fabrication, printing, painting, selling, or maintenance of these panels or displays.

Sec. 226. Section 6, chapter 96, Laws of 1961 as amended by section 6, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.060 are each amended to read as follows:

The ~~((commission))~~ department shall ~~((prescribe regulations))~~ adopt rules for the erection and maintenance of signs ~~((which))~~ that are visible from the main traveled way of the interstate system and the scenic system and ~~((which))~~ that are permitted by this chapter ~~((;))~~ and other ~~((regulations))~~ rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation. Proceedings for review of any action taken by the ~~((commission))~~ department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

Sec. 227. Section 8, chapter 96, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1975-'76 2nd ex. sess. and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or ~~((regulations promulgated))~~ rules adopted hereunder ~~((and which))~~ that is designed to be viewed from the interstate system, the primary system, or the scenic system ~~((shall be))~~ is a public nuisance, and the ~~((commission))~~ department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by ~~((registered))~~ certified mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, ~~((shall))~~ fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove ~~((such))~~ the sign he ~~((shall be))~~ is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an

order may be entered compelling removal of the sign. Each day ~~((such))~~ the sign ~~((shall be))~~ is maintained ~~((shall))~~ constitutes a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, ~~((shall))~~ is not ~~((be))~~ found or refuses receipt of the notice, the ~~((commission))~~ department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the ~~((commission))~~ department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for ~~((so))~~ doing so.

(4) Nothing in this section ~~((shall))~~ may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

Sec. 228. Section 9, chapter 96, Laws of 1961 and RCW 47.42.090 are each amended to read as follows:

If any person is convicted of a violation of this chapter, or any ~~((regulation promulgated))~~ rule adopted hereunder, the ~~((commission))~~ department may revoke any permit issued to that person under this chapter.

Sec. 229. Section 13, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.103 are each amended to read as follows:

(1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the ~~((commission))~~ department may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the ~~((commission))~~ department may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of ~~((such))~~ the sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) ~~((In the event))~~ If compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is



agreed upon, the ~~((commission))~~ department may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund.

Sec. 230. Section 14, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.104 are each amended to read as follows:

The ~~((commission))~~ department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The ~~((commission))~~ department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to ~~((said))~~ section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of ~~((said))~~ section 131 and RCW 47.42.102, 47.42.103, and 47.42.104.

Sec. 231. Section 11, chapter 96, Laws of 1961 as amended by section 16, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.110 are each amended to read as follows:

The ~~((commission))~~ department is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

Sec. 232. Section 12, chapter 96, Laws of 1961 as amended by section 17, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.120 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs ~~((which))~~ that advertise activities conducted upon the properties where ~~((such))~~ the signs are located, ~~((shall))~~ may be erected or maintained without a permit issued by the ~~((commission))~~ department. Application for a permit shall be made to the ~~((commission))~~ department on forms furnished by it~~((, which))~~. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto ~~((and))~~. The application shall be accompanied by a fee of ten dollars to be deposited with the state treasurer to the credit of the

motor vehicle fund. Permits shall be for the calendar year and shall be renewed annually upon payment of ~~((said))~~ this fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing ~~((shall be))~~ is effective only upon receipt of written notice of assignment by the ~~((highway commission))~~ department. A permit may be revoked after hearing if the ~~((commission))~~ department finds that any statement made in the application ~~((therefor))~~ was false or misleading, or that the sign covered ~~((thereby))~~ is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, ~~((provided that such))~~ if the false or misleading information has not been corrected and ~~((that))~~ the sign has not been brought into compliance with this chapter within thirty days after written notification ~~((thereof))~~.

Sec. 233. Section 13, chapter 96, Laws of 1961 and RCW 47.42.130 are each amended to read as follows:

Every permit issued by the ~~((commission))~~ department shall be assigned a separate identification number, and ~~((it shall be the duty of))~~ each permittee ~~((to))~~ shall fasten to each sign a weatherproof label, not larger than six square inches, ~~((which))~~ that shall be furnished by the ~~((commission))~~ department and on which shall be plainly visible the ~~((said))~~ permit number. The permittee shall also place his or her name in a conspicuous position on the front or back of each sign. The failure of a sign to have ~~((affixed thereto))~~ such a label ~~((shall be))~~ affixed to it is prima facie evidence that ~~((the same))~~ it is not in compliance with the provisions of this chapter.

Sec. 234. Section 47.44.030, chapter 13, Laws of 1961 and RCW 47.44.030 are each amended to read as follows:

If the ~~((highway commission))~~ department deems it necessary that ~~((such))~~ a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his or her expense and as the ~~((highway commission))~~ department orders ~~((PROVIDED, That))~~. However, notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the ~~((state highway commission))~~ department shall pay or reimburse the owner for relocation or removal of any publicly, privately, or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation, or improvement of a highway ~~((which))~~ that is part of the national system of interstate and defense highways for each item of cost for which the state ~~((shall be))~~ is entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123(~~(;)~~) of the federal aid highway act of 1958(~~(;)~~) and any other subsequent act of congress under which the state ~~((shall be))~~ is

entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on ~~((said))~~ the national system of interstate and defense highways.

Sec. 235. Section 47.44.031, chapter 13, Laws of 1961 and RCW 47-44.031 are each amended to read as follows:

The provisions of RCW 47.44.030 authorizing the ~~((state-highway commission))~~ department to pay or reimburse the owner of a utility ~~((staff))~~ apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the ~~((state highway commission))~~ department after June 30, 1959.

Sec. 236. Section 47.44.040, chapter 13, Laws of 1961 as amended by section 8, chapter 108, Laws of 1967 and RCW 47.44.040 are each amended to read as follows:

Whenever any bridge ~~((shall exist))~~ exists on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation constituting the boundary of this state or the boundary of a county, city, or town of this state ~~((or the boundary of this state))~~ and the ~~((same))~~ bridge is owned or operated by this state jointly with any such county, city, or town, or with any municipal corporation of this state, or with such other state or with any county, city, or town of such other state, the ~~((highway commission))~~ department is empowered to join with the proper officials of ~~((such))~~ the county, city, or town, or ~~((such))~~ the municipal corporation of this state or of such other state or of such county, city, or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance ~~((thereon))~~ on the bridge of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams and railways, and any structures or facilities ~~((which))~~ that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the ~~((highway commission))~~ department, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from ~~((such))~~ the franchises shall be paid to the state treasurer and ~~((by him))~~ deposited to the credit of the fund from which this state's share of the cost of joint operation of ~~((such))~~ the bridge is paid.

Sec. 237. Section 47.44.050, chapter 13, Laws of 1961 and RCW 47-44.050 are each amended to read as follows:

The ~~((highway commission))~~ department is empowered to grant a permit to construct or maintain on, over, across, or along any state highway any water, gas, telephone, telegraph, light, power, or other such facilities when ~~((the same does))~~ they do not extend along ~~((such))~~ the state highway for a distance greater than three hundred feet. The ~~((highway commission))~~

department may require such information as it deems necessary in the application for any such permit, and may grant or withhold the permit within its discretion. Any permit granted may be canceled at any time, and any facilities remaining upon the right of way of ~~((such))~~ the state highway after thirty days written notice of ~~((such))~~ the cancellation ~~((shall be))~~ is an unlawful obstruction and may be removed in the manner provided by law.

Sec. 238. Section 47.48.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 216, Laws of 1977 ex. sess. and RCW 47.48.010 are each amended to read as follows:

Whenever the condition of any state highway, county road, or city street, either newly or previously constructed, altered, repaired, or improved, or any part thereof is such that for any reason its unrestricted use or continued use by vehicles or by any class of vehicles will greatly damage ~~((such))~~ that state highway, county road, or city street, or will be dangerous to traffic ~~((thereon))~~, or ~~((the same))~~ it is being constructed, altered, repaired, improved, or maintained in such a manner as to require that use of ~~((such))~~ the state highway, county road, or city street, or any portion thereof be closed or restricted as to all vehicles or any class of vehicles for any period of time, the ~~((director of highways))~~ secretary, if it ~~((be))~~ is a state highway, the county ~~((commissioners))~~ legislative authority, if it ~~((be))~~ is a county road, or the governing body of any city or town, if it ~~((be))~~ is a city street, is authorized to close ~~((such))~~ the state highway, county road, or city street, as the case may be, to travel by all vehicles or by any class of vehicles, or may declare a lower maximum speed ~~((thereon))~~ for any class of vehicles, for such a definite period as ~~((they))~~ it shall determine ~~((PROVIDED, That))~~. Nothing in the law of this state ~~((shall))~~ prevents the ~~((director of highways))~~ secretary, county ~~((commissioners))~~ legislative authority, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, vehicle combinations, or tire equipment for the purposes of this section, or from restricting the use of any portion of any state highway, county road, or city street, as the case may be, to its use by an urban public transportation system.

Sec. 239. Section 47.52.020, chapter 13, Laws of 1961 and RCW 47.52.020 are each amended to read as follows:

The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever ~~((such))~~ the authority or authorities are of the opinion that traffic conditions, present or future, will justify ~~((such))~~ the special facilities ~~((PROVIDED, That))~~. However, upon county roads within counties, ~~((such))~~ the state or county authorities ~~((shall~~

be) are subject to the consent of the ~~((board of county commissioners))~~ county legislative authority, except that where a state limited access facility crosses a county road the ~~((state highway commission))~~ department may, without the consent of the ~~((board of county commissioners))~~ county legislative authority, close off ~~((such))~~ the county road so that it will not intersect such limited access facility.

The ~~((state highway commission))~~ department may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the ~~((board of county commissioners))~~ county legislative authority, and in so doing may revise the alignment of ~~((such))~~ the county road to the extent that the ~~((state highway commission))~~ department finds necessary for reasons of traffic safety or practical engineering considerations.

Sec. 240. Section 3, chapter 133, Laws of 1974 ex. sess. and RCW 47.52.026 are each amended to read as follows:

(1) The ~~((state highway commission))~~ department may adopt ~~((regulations))~~ rules for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or safe flow of traffic traveling upon any part of the highway or connections ~~((therewith))~~ with it or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) ~~((Regulations))~~ Rules adopted by the ~~((highway commission))~~ department pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) ~~((Restrictions of vehicles))~~ Vehicle restrictions authorized by ~~((regulations))~~ rules adopted pursuant to this section ~~((shall be))~~ are effective when proper notice ~~((thereof))~~ is given by any police officer, or by appropriate signals, signs, or other traffic control devices.

Sec. 241. Section 47.52.090, chapter 13, Laws of 1961 as last amended by section 8, chapter 78, Laws of 1977 ex. sess. and RCW 47.52.090 are each amended to read as follows:

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of ~~((such))~~ the facility by street

cars, trains, or other vehicles forming a part of an urban public transportation system and for the erection, construction, and maintenance (~~(thereon)~~) of structures and facilities of such a system including facilities for the receipt and discharge of passengers(~~(: PROVIDED, That)~~). Within incorporated cities and towns the title to every state limited access highway (~~(shall vest)~~) vests in the state, and, notwithstanding any other provision of this section, the (~~Washington state highway commission~~) department shall exercise full jurisdiction, responsibility, and control to(~~;~~) and over(~~(, such)~~) the highway from the time it is declared to be operational as a limited access facility by the (~~(state highway commission: PROVIDED, FURTHER, That)~~) department, subject to the following provisions:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430, and all regulations adopted (~~(shall be)~~) are subject to approval of the (~~(state highway commission)~~) department before becoming effective. Nothing herein (~~(shall)~~) precludes the state patrol(~~(;)~~) or any county, (~~(or)~~) city, or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city (~~(or)~~), town, or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and (~~(shall have)~~) has the right to construct (~~(such)~~) additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as (~~(such)~~) the facilities do not interfere with the use of the right of way for limited access highway purposes(~~(, and)~~). The city or town (~~(shall have)~~) has the right to maintain any municipal utility and the right to open the surface of (~~(such)~~) the highway(~~(, and)~~). The construction, maintenance until permanent repair is made, and permanent repair of (~~(such)~~) these facilities shall be done in a time and manner authorized by permit to be issued by the (~~(state highway commission)~~) department or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of (~~(such)~~) the relocation shall be paid by the state.

(3) Cities and towns (~~(shall)~~) have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as (~~(such)~~) the franchises are not inconsistent with the use of the right of way for limited access facility purposes(~~(: PROVIDED, That such)~~) and the franchises are not in conflict with state laws(~~(: PROVIDED FURTHER, That the state highway commission shall be)~~). The department is authorized to enforce, in an action brought in the name of the state, any condition of any franchise (~~(which)~~) that a city or town (~~(shall have)~~) has granted(~~(, AND~~

~~PROVIDED FURTHER, That~~). No franchise for transportation of passengers in motor vehicles ~~((shall))~~ may be granted on such highways without the approval of the ~~((state highway commission))~~ department, except cities and towns ~~((shall))~~ are not ~~((be))~~ required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not ~~((to exceed))~~ exceeding eight miles outside ~~((of such))~~ the corporate limits for public transportation on such facilities, but ~~((such))~~ these vehicles may not stop on the limited access portion of ~~((such))~~ the facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping, and acceleration space is provided for ~~((such))~~ the vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair, and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by a permit to be issued by the ~~((state highway commission,))~~ department or its authorized representative.

(4) The ~~((state highway commission shall have))~~ department has the right to ~~((utilize))~~ use all storm sewers ~~((which))~~ that are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the ~~((state highway commission))~~ department and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the ~~((Washington state highway commission))~~ department and the association of Washington cities.

Sec. 242. Section 47.52.105, chapter 13, Laws of 1961 as amended by section 1, chapter 117, Laws of 1967 and RCW 47.52.105 are each amended to read as follows:

Whenever, in the opinion of the ~~((Washington state highway commission))~~ department, frontage or service roads in connection with limited access facilities~~((;))~~ are not feasible either from an engineering or economic standpoint, the ~~((highway commission))~~ department may acquire private or public property by purchase or condemnation and construct any road, street, or highway ~~((thereon))~~ connecting to or leading into any other road, street, or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The ~~((commission))~~ department shall provide by agreement with a majority of the ~~((board of county commissioners or city~~

~~governing body~~) legislative authority of the county or city concerned as to location, future maintenance, and control of any road, street, or highway to be so constructed. ~~((Such))~~ The road, street, or highway need not be made a part of ~~((said))~~ the state highway system or connected thereto, but may upon completion by the state be turned over to the county or city ~~((as the case may be;))~~ for location, maintenance, and control pursuant to the agreement as part of ~~((said))~~ the system of ~~((such))~~ county roads or city streets.

Sec. 243. Section 1, chapter 75, Laws of 1965 ex. sess. and RCW 47-52.131 are each amended to read as follows:

When the ~~((state highway commission))~~ department is planning a limited access facility through a county or an incorporated city or town, the ~~((commission;))~~ department or its staff, ~~((prior to))~~ before any hearing ~~((hereinafter provided))~~, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys, and shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings that are under consideration. ~~((Such))~~ This report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade, and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans~~((;))~~ and any proposed modification or alternate proposal of the county, city, or town in order to attempt to reach an agreement between the ~~((state highway commission))~~ department and the county or city officials. As a result of the conference, the proposed plan, together with any modifications ~~((thereof))~~, shall be prepared by the ~~((state highway commission))~~ department and presented to the county or city for inspection and study.

Sec. 244. Section 47.52.160, chapter 13, Laws of 1961 as amended by section 4, chapter 103, Laws of 1963 and RCW 47.52.160 are each amended to read as follows:

The board shall fix a reasonable time not more than thirty days after the date of ~~((their))~~ its appointment and shall indicate the time and place for the hearing, and shall give notice ~~((thereof))~~ to the county, city, or town and to the ~~((state highway commission))~~ department. At the time and place fixed for the hearing, the state and the county, ~~((the))~~ city, or town shall present all of their evidence with respect to the objections set forth in the



request for the hearing before the board, and if either the state, the county, or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at ~~((said))~~ the hearing.

Sec. 245. Section 47.52.190, chapter 13, Laws of 1961 as amended by section 5, chapter 103, Laws of 1963 and RCW 47.52.190 are each amended to read as follows:

The board shall employ such assistance and clerical help as is necessary ~~((in the performance of))~~ to perform its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses, and fees, if any, of members of the board shall be borne equally by the county, city, or town requesting the hearing and the ~~((state highway commission))~~ department. When oral testimony is stenographically reported, the ~~((state highway commission))~~ department shall provide a reporter at its expense.

Sec. 246. Section 47.56.010, chapter 13, Laws of 1961 and RCW 47.56.010 are each amended to read as follows:

"Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests ~~((therein))~~ used therefor, and buildings and improvements thereon~~((:))~~.

"Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may ~~((hereafter))~~ be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the ~~((authority))~~ department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings ~~((which))~~ that the ~~((authority))~~ department may deem necessary for the operation of ~~((such))~~ the project, together with all property, rights, easements, and interests ~~((which))~~ that may be acquired by the ~~((authority))~~ department for the construction or the operation of ~~((such))~~ the project, 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 those procedures are reasonably consistent and applicable.

Sec. 247. Section 9, chapter 278, Laws of 1961 and RCW 47.56.032 are each amended to read as follows:

All powers vested in the toll bridge authority as of September 21, 1977, relating to the acquiring, operating, extending, designing, constructing, repairing, and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the ~~((authority through the state highway commission:~~

~~PROVIDED, That the authority~~) department. The commission shall determine all fares, tolls, and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing, and fiscal management of the system's bonded indebtedness in the manner provided by law.

Sec. 248. Section 47.56.040, chapter 13, Laws of 1961 and RCW 47.56.040 are each amended to read as follows:

The (~~Washington toll bridge authority~~) department is empowered, in accordance with the provisions of this chapter, to provide for the (~~establishing~~) establishment and (~~constructing~~) construction of toll bridges upon any public highways of this state together with approaches thereto wherever (~~the same~~) it is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp, or other topographical formation whether (~~the same~~) that formation is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the (~~Washington toll bridge authority~~) department, and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the (~~Washington toll bridge authority~~) department. For the purpose of obtaining information for the consideration of the (~~authority~~) department upon the construction of any toll bridge or any other matters pertaining thereto (~~it shall be the duty of~~), any cognizant officer or employee of the state shall, upon the request of the (~~authority to~~) department, make reasonable examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto and report (~~the same~~) this to the (~~authority~~) department. The cost of any such examination, investigation, survey, or reconnaissance shall be borne by the department or office conducting (~~the same~~) these activities from the funds provided for (~~such~~) that department or office for its usual functions.

Sec. 249. Section 47.56.042, chapter 13, Laws of 1961 and RCW 47.56.042 are each amended to read as follows:

The (~~Washington toll bridge authority~~) department is (~~hereby~~) authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and (~~such~~) the adjoining state. The (~~authority~~) department may use funds (~~from its revolving fund~~) available to it to carry out the purposes of this section. (~~Such~~) These agreements may provide that (~~in the event~~) if any such project is determined to be feasible and is adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived

from the sale of bonds or out of tolls and revenues to be derived from ~~((such))~~ the project.

Sec. 250. Section 47.56.050, chapter 13, Laws of 1961 as amended by section 25, chapter 106, Laws of 1973 and RCW 47.56.050 are each amended to read as follows:

(1) The ~~((Washington toll bridge authority))~~ department, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase ~~(;)~~ (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state ~~(, and)~~ (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries ~~((pursuant to the provisions of))~~ under subsection (1) of this section, the ~~((Washington toll bridge authority, the state highway commission))~~ department, the state treasurer, any city, county, or other political subdivision of this state, and all ~~((said))~~ of their officers ~~((=))~~:

(a) Are empowered and required to do all acts and things ~~((as))~~ provided for in this chapter ~~((provided for the establishing and constructing of))~~ to establish and construct toll bridges and ~~((operating, financing and maintaining))~~ operate, finance, and maintain such bridges insofar as ~~((such))~~ the powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance; and

(b) In purchasing, operating, financing, and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase ~~((pursuant to the provisions of))~~ under this section, shall act in the same manner and under the same procedures as are provided in this chapter ~~((for the establishing, constructing, operating, financing and maintaining of))~~ to establish, construct, operate, finance, and maintain toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) ~~((hereof))~~ of this section, the ~~((Washington toll bridge authority))~~ department is empowered: (a) To cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for ~~((said))~~ that bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell, and redeem bonds, and to deposit and pay out the proceeds of ~~((said))~~ the bonds for the financing thereof; (c) to collect, deposit, and expend tolls therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 ~~((shall))~~ apply when any ~~((such))~~ bridge or bridges or ferries are acquired by purchase pursuant to this section.

Sec. 251. Section 47.56.060, chapter 13, Laws of 1961 and RCW 47.56.060 are each amended to read as follows:

The ~~((Washington toll bridge authority))~~ department, the officials thereof, and all other state officials are empowered to ~~((do such))~~ act~~((s))~~ and make ~~((such))~~ agreements ~~((not inconsistent))~~ consistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation, and insurance of ~~((such))~~ toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The ~~((Washington toll bridge authority and the highway commission))~~ department shall keep full, complete, and separate accounts of each toll bridge, and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open at all reasonable times to the inspection of holders of bonds issued by ~~((said authority at all reasonable times))~~ the department.

Sec. 252. Section 47.56.075, chapter 13, Laws of 1961 and RCW 47.56.075 are each amended to read as follows:

The ~~((authority))~~ department shall approve for construction only such toll roads as the legislature ~~((shall))~~ specifically authorize~~s~~ or such toll facilities as ~~((shall be))~~ are specifically sponsored by a city, town, or county.

Sec. 253. Section 47.56.077, chapter 13, Laws of 1961 and RCW 47.56.077 are each amended to read as follows:

The ~~((authority))~~ department shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way.

Sec. 254. Section 47.56.100, chapter 13, Laws of 1961 as amended by section 4, chapter 103, Laws of 1977 ex. sess. and RCW 47.56.100 are each amended to read as follows:

The right of way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over, or across any state highways, and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county, or other political subdivision of the state is required to be taken for the construction of any ~~((such))~~ bridge or approach thereto, or ~~((should))~~ if any such property ~~((be))~~ is injured or damaged by such construction, ~~((such))~~ compensation therefor as may be proper or necessary and as ~~((shall be))~~ agreed upon may

be paid by the (~~(Washington toll bridge authority)~~) department to the particular county, city, or other political subdivision of the state owning (~~(such)~~) the property, or condemnation proceedings may be brought for the determination of (~~(such)~~) the compensation.

Sec. 255. Section 47.56.110, chapter 13, Laws of 1961 and RCW 47.56.110 are each amended to read as follows:

Before the (~~(highway commission shall)~~) department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the (~~(Washington toll bridge authority)~~) commission shall (~~(have)~~) first (~~(passed)~~) pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of (~~(such)~~) the toll bridge. (~~(Such)~~) The resolution (~~(shall be)~~) is conclusive evidence (1) of the public necessity of such construction; (2) that (~~(such)~~) the property is necessary therefor; and(;) (3) that (~~(such)~~) the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the (~~(highway commission)~~) department to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the (~~(highway commission)~~) department. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use (~~(thereof)~~) as (~~(herein)~~) provided in this chapter for the same public use or purpose to which (~~(such)~~) the property has been so appropriated or dedicated, or for any other public use or purpose, (~~(shall be deemed)~~) is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which (~~(such)~~) the property has already been appropriated or dedicated. It (~~(shall)~~) is not (~~(be)~~) necessary in any eminent domain proceedings (~~(hereunder)~~) under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

Sec. 256. Section 47.56.130, chapter 13, Laws of 1961 and RCW 47.56.130 are each amended to read as follows:

The (~~(Washington toll bridge authority)~~) department is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the (~~(Washington toll bridge authority,)~~) department shall be issued in the name of the (~~(Washington toll bridge authority and)~~) department, shall constitute obligations only of (~~(said Washington toll bridge authority and)~~)

the department, shall be identified as . . . . . toll bridge bonds, and shall contain a recital on the face thereof that the payment or redemption of ((said)) the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability, or obligation of the state of Washington. The ((Washington toll bridge authority)) department is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds.

Sec. 257. Section 47.56.150, chapter 13, Laws of 1961 and RCW 47.56.150 are each amended to read as follows:

The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the ((Washington toll bridge authority)) department and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise ((and the Washington toll bridge authority)). The department may agree with the purchaser of ((said)) the bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues ((which)) that are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state moneys: PROVIDED, That the ((Washington toll bridge authority)) department may provide in the proceedings authorizing the issuance of ((said)) these bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall thereupon be binding upon the ((said authority)) department and all

officials having anything to do with ~~((such))~~ the investment. Any surplus which may exist in ~~((said))~~ the construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call ~~((and in the event such))~~. If these bonds cannot be purchased at a price satisfactory to the ~~((Washington toll bridge authority))~~ department and are not by their terms callable prior to maturity ~~((such))~~, the surplus shall be paid into the fund applicable to the payment of principal and interest of ~~((said))~~ the bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying ~~((such))~~ the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called ~~((and))~~. Such limitations and conditions shall be followed and observed in the application and use of ~~((such))~~ the surplus. All bonds so retired by purchase or call shall be immediately canceled.

Sec. 258. Section 47.56.160, chapter 13, Laws of 1961 and RCW 47.56.160 are each amended to read as follows:

All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the ~~((highway commission))~~ department to the state treasurer ~~((who))~~. The treasurer shall deposit ~~((the same))~~ them forthwith as demand deposits in ~~((such))~~ a depository or depositories ~~((as may be))~~ authorized by law to receive deposits of state funds. The deposit shall be made to the credit of a special trust fund ~~((to be))~~ designated as the toll revenue fund of the particular toll bridge or toll bridges producing ~~((such))~~ the tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

Sec. 259. Section 47.56.170, chapter 13, Laws of 1961 and RCW 47.56.170 are each amended to read as follows:

From the money ~~((so))~~ deposited in each separate construction fund ~~((as hereinabove provided))~~ under RCW 47.56.160, the state treasurer shall transfer to the place or places of payment named in ~~((said))~~ the bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of ~~((such))~~ a particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in ~~((said))~~ the bonds such sums as may be required to pay the interest on ~~((said))~~ the bonds and redeem the principal thereof as ~~((such))~~ the interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in ~~((said))~~ the toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied

solely for the payment of ~~((said))~~ that principal or interest. The proceedings authorizing the issuance of bonds may provide for ~~((the))~~ setting up ~~((of))~~ a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of ~~((such))~~ the fund in a manner to be provided therein~~((, and such))~~. The proceedings may also require the immediate application of all surplus moneys in ~~((such))~~ the toll revenue fund to the retirement of ~~((such))~~ the bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of ~~((said Washington toll bridge authority))~~ the department.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as ~~((hereina-  
bove))~~ provided~~((;))~~ in this section shall be held and applied as provided in the proceedings authorizing the issuance of ~~((said))~~ the bonds. ~~((In the event))~~ If the proceedings authorizing the issuance of ~~((said))~~ the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of ~~((such))~~ the toll bridge or bridges as the ~~((Washington toll bridge authority))~~ department may determine.

Sec. 260. Section 47.56.180, chapter 13, Laws of 1961 as amended by section 26, chapter 106, Laws of 1973 and RCW 47.56.180 are each amended to read as follows:

Warrants for payments to be made on account of ~~((such))~~ the bonds shall be duly drawn by the state treasurer on vouchers approved by the ~~((Washington toll bridge authority))~~ department.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining, and repairing the ~~((same;))~~ bridge or bridges shall be paid from the proper fund therefor by the state treasurer upon vouchers ~~((submitted by the highway commission))~~ approved by the ~~((Washington toll bridge authority))~~ department.

All interest received or earned on money deposited in each and every fund ~~((herein))~~ provided for in this chapter shall be credited to and become a part of the particular fund upon which ~~((said))~~ the interest accrues.

Sec. 261. Section 47.56.190, chapter 13, Laws of 1961 and RCW 47.56.190 are each amended to read as follows:

The ~~((Washington toll bridge authority))~~ department may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of ~~((such))~~ the money at such times and with such depositaries or paying agents and upon the furnishing of ~~((such))~~ security as ~~((may))~~ meets



with the approval of the purchasers of ~~((such))~~ the bonds ~~((:PROVIDED, That))~~ so long as the depositaries and security ~~((so))~~ provided for or agreed upon ~~((shall be))~~ are qualified and eligible in accordance with the requirements of law.

Sec. 262. Section 47.56.200, chapter 13, Laws of 1961 and RCW 47.56.200 are each amended to read as follows:

Notwithstanding anything contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the ~~((Washington toll bridge authority))~~ department in connection with and incidental to the issuance and sale of bonds for the construction of ~~((such))~~ the toll bridge or toll bridges including expenses for the preparation of surveys and estimates and ~~((the))~~ making ~~((of))~~ inspections and examinations ~~((as may be))~~ required by the purchasers of ~~((such))~~ the bonds ~~((:PROVIDED, That))~~. In addition, the proceedings authorizing the issuance of ~~((such))~~ the bonds may contain appropriate provisions governing the use and application of ~~((said))~~ the bond proceeds and toll or other revenues for the purposes herein specified.

Sec. 263. Section 47.56.210, chapter 13, Laws of 1961 and RCW 47.56.210 are each amended to read as follows:

While any bonds issued by ~~((said Washington toll bridge authority))~~ the department under this chapter remain outstanding, the powers, duties, or existence of the ~~((said Washington toll bridge authority or of the highway commission))~~ department or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official, or employee, or imposed upon the ~~((authority))~~ department or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of any bridge, and in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds ~~((:PROVIDED, That))~~. The enumeration of ~~((such))~~ rights and remedies ~~((herein))~~ in this section shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of ~~((such))~~ the bonds.

Sec. 264. Section 47.56.230, chapter 13, Laws of 1961 and RCW 47.56.230 are each amended to read as follows:

When any ~~((such))~~ toll bridge or bridges authorized ~~((hereunder))~~ under this chapter is being built by the ~~((highway commission))~~ department, the ~~((Washington toll bridge authority))~~ department may carry or cause to

be carried ((~~such~~)) an amount of insurance or indemnity bond or bonds as protection against loss or damage as the ((~~Washington toll bridge authority~~)) department may deem proper. The ((~~Washington toll bridge authority~~)) department is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of ((~~such~~)) the toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to ((~~any such~~)) the toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding ((~~of any such~~)) the toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The ((~~Washington toll bridge authority~~)) department is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of ((~~such~~)) the toll bridge or toll bridges from any cause whatever, and the proceeds of ((~~such~~)) the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the ((~~said~~)) fund. ((~~Such~~)) The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of ((~~such~~)) the toll bridge or toll bridges during any period of time that may be determined ((~~upon~~)) by the ((~~Washington toll bridge authority~~)) department and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in ((~~said~~)) the proceedings. The ((~~Washington toll bridge authority~~)) department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the ((~~said authority~~)) department and be paid for out of the toll revenue fund as may be specified in ((~~said~~)) the proceedings.

Sec. 265. Section 47.56.240, chapter 13, Laws of 1961 and RCW 47.56.240 are each amended to read as follows:

The ((~~Washington toll bridge authority~~)) commission is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions ((~~may~~)) warrant. The ((~~said authority~~)) commission, in establishing toll charges, shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments ((~~thereon~~)) on them. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual

operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the ~~((same))~~ bonds become due ~~((and))~~. The bond redemption and interest payments ~~((shall))~~ constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon ~~((and))~~. Sinking funds created therefrom received from the use and operation of ~~((said))~~ the toll bridge or toll bridges, and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as ~~((such))~~ any of these bonds ~~((or any of them))~~ are outstanding and unpaid.

Sec. 266. Section 48, chapter 145, Laws of 1967 ex. sess. and RCW 47.56.242 are each amended to read as follows:

The ~~((state highway commission))~~ department is ~~((hereby))~~ authorized to liquidate and close toll facility trust and other facility accounts established ~~((without))~~ outside the state treasury ~~((pursuant to the provisions of))~~ under chapter 47.56 RCW after the removal of tolls from the facility for which the accounts were established. Any balance remaining in ~~((such))~~ the accounts shall thereupon be transferred to the motor vehicle fund. In addition, the ~~((state highway commission))~~ department may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of ~~((said))~~ the bonds~~(;)~~ not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund.

Sec. 267. Section 47.56.245, chapter 13, Laws of 1961 as amended by section 53, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.245 are each amended to read as follows:

The ~~((authority))~~ department shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management, and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred.

Sec. 268. Section 1, chapter 258, Laws of 1961 and RCW 47.56.247 are each amended to read as follows:

The ~~((toll bridge authority))~~ department may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads, or for the Washington state ferry system on a credit basis upon such terms and conditions as the ~~((authority shall))~~ department deems proper.

Sec. 269. Section 2, chapter 258, Laws of 1961 and RCW 47.56.248 are each amended to read as follows:

The ~~((authority))~~ department may require the holder of ~~((such a))~~ the permit to furnish to and maintain in force with the ~~((authority))~~ department a cash deposit or a corporate surety bond ~~((:PROVIDED, That the authority))~~. The department may require the holder of ~~((such))~~ the permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with any of its terms.

Sec. 270. Section 2, chapter 257, Laws of 1961 and RCW 47.56.253 are each amended to read as follows:

If the ~~((authority))~~ department deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the ~~((authority))~~ department may on application therefor issue a permit, lease, or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the ~~((authority))~~ department may prescribe.

Sec. 271. Section 4, chapter 257, Laws of 1961 as amended by section 4, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.255 are each amended to read as follows:

When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received, the ~~((authority))~~ department may certify this fact to the governor, with a description of the land and terms of the sale, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Sec. 272. Section 5, chapter 257, Laws of 1961 as amended by section 12, chapter 108, Laws of 1967 and RCW 47.56.256 are each amended to read as follows:

If the ~~((Washington state highway commission))~~ department deems it not inconsistent with the use and operation of any department facility ~~((of the toll bridge authority))~~, the ~~((commission))~~ department may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel, or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams or railways, any structures or facilities ~~((which))~~ that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of

Washington other than the ~~((state highway commission))~~ department of transportation, and any other such facilities in the manner of granting franchises on state highways.

Sec. 273. Section 47.56.284, chapter 13, Laws of 1961 and RCW 47.56.284 are each amended to read as follows:

The existing Lake Washington bridge, the toll bridge authorized ~~((herein))~~ in chapter 266, Laws of 1957, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the ~~((authority))~~ department may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible.

Sec. 274. Section 47.56.286, chapter 13, Laws of 1961 and RCW 47.56.286 are each amended to read as follows:

The provisions of chapter 47.56 RCW, except where inconsistent with RCW 47.56.281 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.281 through 47.56.286. Nothing in RCW 47.56.281 through 47.56.286 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the ~~((Washington toll bridge authority))~~ department except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.281 through 47.56.286 for the uses and purposes herein set forth~~((, and))~~. RCW 47.56.281 through 47.56.286 ~~((shall be))~~ are additional to such existing statutes and concurrent therewith.

Sec. 275. Section 54, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.287 are each amended to read as follows:

To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refunding bond issues, the ~~((Washington state highway commission))~~ department shall use moneys in the motor vehicle fund to pay such deficits.

Sec. 276. Section 47.56.345, chapter 13, Laws of 1961 and RCW 47.56.345 are each amended to read as follows:

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through

47.56.345 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the (~~Washington toll-bridge authority~~) department except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause, or phrase of RCW 47.56.310 through 47.56.345 (~~shall be~~) is held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause, or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished.

Sec. 277. Section 2, chapter 240, Laws of 1963 and RCW 47.56.366 are each amended to read as follows:

The (~~Washington toll-bridge authority~~) department may permit public sport fishing from the Hood Canal bridge. The (~~commission~~) department may (~~establish and promulgate~~) adopt rules (~~and regulations~~) governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92.090 or any other statute imposing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the (~~aforesaid~~) Hood Canal bridge for sport fishing purposes.

Sec. 278. Section 47.56.380, chapter 13, Laws of 1961 and RCW 47.56.380 are each amended to read as follows:

The (~~Washington toll-bridge authority is hereby~~) department is authorized to study and if feasible, after approval by the (~~state highway~~) transportation commission to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right of way shall be acquired as a limited access facility.

Sec. 279. Section 47.56.390, chapter 13, Laws of 1961 and RCW 47.56.390 are each amended to read as follows:

The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the (~~Washington toll-bridge authority~~) department until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid.

Sec. 280. Section 47.56.400, chapter 13, Laws of 1961 and RCW 47.56.400 are each amended to read as follows:

The (~~Washington toll bridge authority shall have~~) department has the same powers, duties, and functions with respect to toll roads as (~~it now has~~) the Washington toll bridge authority had with respect to toll bridges, and all the provisions of chapter 47.56 RCW (~~shall~~) apply to and govern toll roads insofar as is reasonably consistent and applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400.

Sec. 281. Section 47.56.490, chapter 13, Laws of 1961 and RCW 47.56.490 are each amended to read as follows:

The (~~Washington toll bridge authority is hereby~~) department is authorized to operate and to assume the full control of (~~said~~) the toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of (~~such~~) the bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of (~~such~~) the bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470.

Sec. 282. Section 3, chapter 197, Laws of 1963 and RCW 47.56.702 are each amended to read as follows:

The (~~state highway commission~~) department may (~~at the request of the toll bridge authority,~~) pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the (~~state highway commission~~) department for state highway purposes in the sum of one hundred thousand dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in RCW 47.56.701 or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the (~~state highway commission~~) department shall use such moneys to meet such obligations as they arise but only to the extent that net revenues of the project are insufficient therefor.

Sec. 283. Section 4, chapter 197, Laws of 1963 and RCW 47.56.703 are each amended to read as follows:

Whenever the (~~state highway commission shall have~~) department has made a pledge of motor vehicle funds as authorized in RCW 47.56.702 the legislature agrees to continue to impose excise taxes on motor vehicle fuels, and there is imposed a first and prior charge thereon, in amounts sufficient to provide the (~~state highway commission~~) department with funds necessary to enable it to comply with (~~such~~) the pledge.

Sec. 284. Section 5, chapter 197, Laws of 1963 and RCW 47.56.704 are each amended to read as follows:

Any money from the motor vehicle fund used by the (~~(state highway commission))~~ department for payment of expenses of location, maintenance, repair, and operation of (~~(said))~~ the bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to RCW 47.56.701 or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of (~~(such))~~ the project, and tolls shall be continued for any additional length of time necessary for this purpose.

Sec. 285. Section 1, chapter 254, Laws of 1971 ex. sess. as last amended by section 1, chapter 11, Laws of 1977 and RCW 47.56.720 are each amended to read as follows:

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The (~~(Washington state highway commission))~~ department is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the (~~(state highway commission))~~ department shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971.

Subject to the provisions of subsection (4) of this section, the (~~(Washington state highway commission))~~ department is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the (~~(Washington state highway commission))~~ department. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the (~~(Washington state highway commission))~~ department upon the receipt of a properly executed voucher: PROVIDED, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48



RCW due to actual or potential slide conditions and there is no suitable, reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be one hundred percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal.

Sec. 286. Section 1, chapter 21, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 51, Laws of 1977 and RCW 47.56.725 are each amended to read as follows:

(1) The (~~Washington state highway commission~~) department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the (~~state highway commission~~) department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100 (~~as now or hereafter amended~~).

(2) The (~~Washington state highway commission~~) department is authorized to include in each such continuing agreement a provision for the distribution to each such county funds to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by (~~such~~) the county, commencing with the fiscal year ending June 30, 1976(~~PROVIDED, That~~). The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed five hundred thousand dollars in any biennium(~~PROVIDED FURTHER, That~~). Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975.

(3) The annual fiscal year deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the (~~Washington state highway commission~~) department. The annual fiscal year deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the (~~Washington state highway commission~~) department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the (~~Washington state highway commission~~) department upon the receipt of properly executed vouchers from each county.

Sec. 287. Section 1, chapter 10, Laws of 1974 ex. sess. and RCW 47.56.730 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare require((s)) that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The ((state highway commission)) department is hereby authorized and directed to ((promulgate)) adopt rules ((and regulations)) pursuant to the administrative procedure act, chapter 34.04 RCW, to establish and clearly designate areas on all state operated ferries ((which)) that are expressly reserved for use by nonsmokers.

Sec. 288. Section 47.58.010, chapter 13, Laws of 1961 and RCW 47.58.010 are each amended to read as follows:

Whenever the legislature ((shall)) specifically authorizes, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on both bridges, the ((state highway commission and the Washington toll bridge authority are each hereby)) department is authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of ((such)) the existing bridge and will be financed through the issuance of revenue bonds of the same series. The ((authority shall have)) department has the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of ((said)) the bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter.

Sec. 289. Section 47.58.020, chapter 13, Laws of 1961 and RCW 47.58.020 are each amended to read as follows:

For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it ((shall be)) is the duty of the ((director of highways upon request of the state highway commission or the authority)) department to make any examination, investigation, survey, or reconnaissance pertaining thereto ((and)). The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance, and sale of bonds under this chapter, shall be advanced by any interested municipality, agency, or department of the state of Washington ((and)). All such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the ((authority)) department through its operations hereunder for account of the project, as may be agreed upon between the ((authority)) department and ((such)) the municipality, agency, or department.

Sec. 290. Section 47.58.030, chapter 13, Laws of 1961 and RCW 47.58.030 are each amended to read as follows:

The ~~((director of highways))~~ secretary shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized ~~((by the authority))~~ under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for ~~((such))~~ the services and facilities shall be fixed and revised from time to time by the ~~((authority))~~ commission so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance, and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of ~~((such))~~ the revenue bonds at or prior to maturity~~((and such))~~. The charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, ~~((shall))~~ have been paid.

Sec. 291. Section 47.58.040, chapter 13, Laws of 1961 as last amended by section 27, chapter 106, Laws of 1973 and RCW 47.58.040 are each amended to read as follows:

For the purpose of paying the cost of all or any part of ~~((such))~~ the improvement and reconstruction work and the construction of any ~~((such))~~ additional bridge, approaches thereto, and connecting highways, the ~~((authority))~~ department is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the ~~((authority))~~ department and shall be payable from any funds available~~((, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and))~~ except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the ~~((authority))~~ department shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor ~~((thereof))~~ of the bond, and in the absence of an express recital on ~~((the))~~ its face ~~((thereof))~~ that the bond is nonnegotiable, each such revenue bond shall at all times be and

shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer (~~(: PROVIDED, That)~~). The countersignature of the governor on ((such)) the bonds and the signature of the state treasurer on ((such)) the coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by ((said)) the resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest, and after such advertising for bids as the ((authority)) department may deem proper (~~(: PROVIDED, That the authority)~~), but it may reject any and all bids so submitted and thereafter sell ((such)) the bonds so advertised under such terms and conditions as ((the authority may)) it deems advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which ((such)) the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the ((authority)) department.

Sec. 292. Section 47.58.050, chapter 13, Laws of 1961 and RCW 47.58.050 are each amended to read as follows:

In determining the amount of bonds required to be issued, there may be included any expenses incurred ((by the authority;)) or approved by the ((authority;)) department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period(;) and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The ((authority)) department is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as ((may be deemed)) it deems necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding ((require and)) compel performance of any duties imposed upon any state department, official, or employee, including any duties imposed upon or undertaken by the ((authority)) department or its officers, agents, and employees in connection with any improvement or reconstruction work on any ((such)) existing bridge, the construction of any ((such)) additional bridge, including approaches and connecting highways(;) provided to be so constructed, the maintenance and operation of the bridge or bridges and in

connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges.

Sec. 293. Section 47.58.060, chapter 13, Laws of 1961 and RCW 47.58.060 are each amended to read as follows:

Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the ~~((authority))~~ department as a separate trust fund ~~((and))~~ to be segregated and set apart for the payment of the revenue bonds, or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of ~~((said))~~ the bonds.

Sec. 294. Section 47.58.080, chapter 13, Laws of 1961 and RCW 47.58.080 are each amended to read as follows:

The ~~((authority))~~ department is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements, and other property of any person, firm ~~((or))~~, corporation, political subdivision, or other owner, deemed necessary or convenient for the construction, reconstruction, improvement, and operation of any project initiated and carried on by the ~~((authority))~~ department under this chapter. ~~((Such))~~ The proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state.

Sec. 295. Section 47.58.090, chapter 13, Laws of 1961 and RCW 47.58.090 are each amended to read as follows:

Under the provisions of this chapter, projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the ~~((authority and the commission))~~ department, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the ~~((said authority))~~ department under the provisions ~~((hereof))~~ of this chapter until further specific authorization therefor has been provided by the legislature.

Sec. 296. Section 47.60.010, chapter 13, Laws of 1961 and RCW 47.60.010 are each amended to read as follows:

The ~~((Washington toll bridge authority hereinafter referred to as the authority))~~ department is ~~((hereby))~~ authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means, and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and

connections thereof, and connecting with the public streets and highways in the state(~~(, such)~~). The system of ferries ((to)) shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances(;) as shall be determined by the ((authority)) department to be necessary or desirable for efficient operation of the ferry system and best serve the public. The ((authority)) department may in like manner acquire by purchase, condemnation, or construction and include in ((such)) the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the ((authority)) department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition ((herein)) granted by this section, the ((authority)) department is ((hereby)) empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the ((authority)) department or not.

Sec. 297. Section 47.60.015, chapter 13, Laws of 1961 and RCW 47.60.015 are each amended to read as follows:

The ((Washington toll bridge authority)) department is ((hereby)) authorized to operate its ferry system under the name: "Washington State Ferries."

Sec. 298. Section 47.60.020, chapter 13, Laws of 1961 and RCW 47.60.020 are each amended to read as follows:

For the purpose of carrying out any or all of the powers ((herein)) granted in this chapter, the ((authority shall have)) department has the power of eminent domain for the acquisition of either real or personal property, used or useful for ((such)) the Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW(~~(, PROVIDED, That)~~). The ((authority)) department may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action ((shall have)) has jurisdiction to condemn property wherever located within the state(~~(, PROVIDED FURTHER, That)~~). It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in ((said)) the proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system(;) and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court ((shall)) further ((have)) has the

power to issue such orders or process as ~~((shall be))~~ are necessary to place the ~~((authority))~~ department into possession of any property condemned.

Sec. 299. Section 47.60.030, chapter 13, Laws of 1961 and RCW 47-60.030 are each amended to read as follows:

In any case where the ~~((authority shall))~~ department takes over any property or properties which are under lease, contract, or concession, or where the ~~((authority))~~ department has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the ~~((authority))~~ department is ~~((hereby))~~ authorized to continue in effect and carry out any such contract, lease, or concession or complete any such negotiation or accept any such bid or any modification of any of them which ~~((shall))~~ appears advantageous to the ~~((authority))~~ department without regard to any limitations or directions as to the manner 'hereof contained in this chapter ~~((PROVIDED, That))~~. However, this section shall not be construed as requiring the ~~((authority))~~ department so to act, but this section ~~((shall be))~~ is permissive only and then only in respect to contracts, leases, concessions, negotiations, or bids existing, entered into, or received prior to April 1, 1949.

Sec. 300. Section 47.60.040, chapter 13, Laws of 1961 and RCW 47-60.040 are each amended to read as follows:

For the purpose of obtaining information for the consideration of the ~~((authority))~~ department upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, ~~((it shall be the duty of the highway commission, upon request of the authority, to))~~ the department shall make any examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto ~~((and report the same to the authority))~~.

The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance, and sale of bonds under this chapter shall be borne by the ~~((highway commission))~~ department out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to ~~((said))~~ the motor vehicle fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the ~~((authority))~~ department through its operations hereunder.

Sec. 301. Section 47.60.050, chapter 13, Laws of 1961 and RCW 47-60.050 are each amended to read as follows:

Any facility ~~((which))~~ that the ~~((authority))~~ department acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged, or improved, and the cost thereof may be paid from

the revenues of the system or through the issuance of bonds as hereinafter provided.

Sec. 302. Section 47.60.060, chapter 13, Laws of 1961 as last amended by section 28, chapter 106, Laws of 1973 and RCW 47.60.060 are each amended to read as follows:

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation, or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches, and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging, or improving all or any part of ~~((said))~~ the system, the ~~((authority))~~ department is ~~((hereby))~~ authorized by resolution to issue its revenue bonds which shall constitute obligations only of the ~~((authority))~~ department and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by ~~((such))~~ the resolution.

Each ~~((such))~~ revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that ~~((such))~~ the bond does not constitute an indebtedness of the state of Washington.

The ~~((authority))~~ department is ~~((hereby))~~ empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

~~((Such))~~ The revenue bonds may bear such date or dates, may mature at such time or times as the ~~((authority shall))~~ department determines, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in ~~((such))~~ the resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer ~~((:PROVIDED, That))~~. The countersignature of the governor on ~~((such))~~ the bonds and the signature of the state treasurer on ~~((such))~~ the coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by ~~((said))~~ the resolution.



Sec. 303. Section 47.60.080, chapter 13, Laws of 1961 and RCW 47-60.080 are each amended to read as follows:

In determining the amount of bonds required to be issued there may be included any expenses incurred by the ~~((authority))~~ department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance.

Sec. 304. Section 47.60.090, chapter 13, Laws of 1961 and RCW 47-60.090 are each amended to read as follows:

All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the ~~((authority may))~~ department deems proper ~~((: PROVIDED, That))~~. However, the ~~((authority))~~ department may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as ~~((the authority may))~~ it deems most advantageous to its own interests. The purchase price of all bonds issued ~~((hereunder))~~ under this chapter shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which ~~((such))~~ the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the ~~((authority))~~ department.

Sec. 305. Section 47.60.113, chapter 13, Laws of 1961 and RCW 47-60.113 are each amended to read as follows:

The ~~((Washington toll bridge authority))~~ department is ~~((hereby))~~ authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it ~~((shall))~~ deems best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing, or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of ~~((such))~~ the toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging, or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, and to pay all refunding costs and expenses and to provide adequate reserves for ~~((said))~~ the toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. ~~((Such))~~ The refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the ~~((Washington toll bridge authority shall))~~ department determines by resolution.

Sec. 306. Section 47.60.114, chapter 13, Laws of 1961 and RCW 47-.60.114 are each amended to read as follows:

Any refunding bonds authorized (~~((herein shall))~~) by this chapter constitute obligations of the (~~((Washington toll bridge authority))~~) department only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or any other toll facility, as shall be provided in the resolution authorizing the issuance of (~~((such))~~) the refunding bonds.

Sec. 307. Section 47.60.120, chapter 13, Laws of 1961 and RCW 47-.60.120 are each amended to read as follows:

(~~((In the event))~~) If the ((authority)) department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the (~~((authority))~~) department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the (~~((authority))~~) department. The (~~((authority))~~) department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters (~~((which))~~) that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the (~~((authority))~~) department, without first acquiring the rights granted to such franchise holder under (~~((said))~~) the franchise.

While any revenue bonds issued by the (~~((authority))~~) department under the provisions of this chapter are outstanding no additional bonds (~~((shall))~~) may be issued for the purposes of acquiring, constructing, operating, or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the (~~((authority))~~) department unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of (~~((such))~~) the outstanding bonds. The provisions of this section (~~((shall be))~~) are binding upon the state, and all of its departments, agencies, and instrumentalities, as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, towns, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

Sec. 308. Section 47.60.122, chapter 13, Laws of 1961 and RCW 47-.60.122 are each amended to read as follows:

For the purpose of paying the cost of acquiring, constructing, or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the ~~((Washington toll bridge authority))~~ department is ~~((hereby))~~ authorized to issue interim revenue warrants, which shall constitute obligations only of the ~~((authority))~~ department, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by ~~((such))~~ the resolution. ~~((Such))~~ The warrants may be interest-bearing coupon warrants with a fixed maturity date, or may be interest-bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of ~~((the same))~~ them.

Sec. 309. Section 47.60.124, chapter 13, Laws of 1961 and RCW 47-.60.124 are each amended to read as follows:

~~((In the event))~~ If it is deemed advisable or found necessary to redeem any or all of such warrants, the ~~((authority))~~ department is authorized to issue its revenue refunding bonds for ~~((such))~~ that purpose. ~~((Said))~~ The bonds shall constitute obligations only of the ~~((authority))~~ department, and shall not be obligations of the state of Washington. ~~((Such))~~ The refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance.

Sec. 310. Section 47.60.126, chapter 13, Laws of 1961 and RCW 47-.60.126 are each amended to read as follows:

All provisions of chapter 47.60 RCW pertaining and applicable to the revenue bonds of the ~~((authority))~~ department authorized ~~((therein))~~ in that chapter are ~~((made))~~ applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47-.60.122 through 47.60.126.

Sec. 311. Section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140 are each amended to read as follows:

The ~~((authority))~~ department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The ~~((highway commission shall have))~~ department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving,

operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the ~~((authority))~~ department, including the collection of tolls and other charges for the services and facilities of the undertaking ~~((: PROVIDED, That))~~. The ~~((authority shall have))~~ department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but no such leases or contracts ~~((shall))~~ may be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the ~~((authority: PROVIDED FURTHER, That))~~ department. However, the Colman Dock facilities may be leased for a period not to exceed ten years ~~((: PROVIDED FURTHER, That))~~, and the ~~((authority))~~ department may accept and continue leases and contracts for a period of ten years without advertisement or bid ~~((:))~~ if ~~((such))~~ the leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated.

Sec. 312. Section 47.60.160, chapter 13, Laws of 1961 and RCW 47.60.160 are each amended to read as follows:

~~((In the event))~~ If it be ascertained that any expense to the motor vehicle fund has been incurred in any manner under this chapter through the ~~((authority, the highway commission;))~~ department or otherwise, all such expenses shall be promptly reimbursed to the motor vehicle fund out of tolls and revenues derived by the ~~((authority))~~ department through any or all of its operations hereunder.

Sec. 313. Section 47.60.170, chapter 13, Laws of 1961 as amended by section 6, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.170 are each amended to read as follows:

Nothing in RCW 47.60.150 ~~((shall))~~ forbids the establishment by the ~~((authority))~~ department of a Washington state ferries revolving fund of not to exceed six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. ~~((Such))~~ The fund may be deposited by the ~~((authority))~~ department in such banks or financial institutions as it may select throughout the state. ~~((The provisions of))~~ RCW 43.01.050 ~~((shall))~~ does not ~~((be applicable))~~ apply to ~~((such))~~ the fund or any deposits therein made by the ~~((authority))~~ department under ~~((the provisions of))~~ this section. The ~~((authority))~~ department may deposit ~~((thereafter therein))~~ all moneys received under ~~((the provisions of))~~ this chapter in the fund. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from ~~((such))~~ the fund, if established, by check or voucher in such manner as may be prescribed by the ~~((authority))~~ department.

All moneys received by the ~~((authority))~~ department or any employee under the foregoing sections of this chapter, except an amount of petty cash

for each day's needs as fixed by the regulation of the ~~((authority))~~ department, shall ~~((be))~~ each day and as often during ~~((such))~~ the day as advisable, be deposited in the nearest authorized depository selected by the ~~((authority))~~ department under ~~((the terms of))~~ this section.

Whenever the fund ~~((shall))~~ exceeds six hundred thousand dollars, the ~~((authority))~~ department shall forthwith transmit ~~((such))~~ the excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150.

Sec. 314. Section 47.60.200, chapter 13, Laws of 1961 and RCW 47.60.200 are each amended to read as follows:

Any consent to liability given under the provisions of this chapter ~~((shall))~~ creates liability of the ~~((authority))~~ department only and ~~((shall))~~ does not create any general liability of the state.

Sec. 315. Section 47.60.210, chapter 13, Laws of 1961 and RCW 47.60.210 are each amended to read as follows:

The state consents to suits against the ~~((authority))~~ department by seamen for injuries occurring upon vessels of the ~~((authority))~~ department in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions may be in the superior court for Thurston county or the county where the injury occurred.

Sec. 316. Section 47.60.220, chapter 13, Laws of 1961 and RCW 47.60.220 are each amended to read as follows:

The ~~((authority shall have))~~ department has all the obligations, duties, and rights of a common carrier of persons and property in its operation of ferries, terminals, or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission, or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and ~~((shall be))~~ is subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported.

Sec. 317. Section 47.60.230, chapter 13, Laws of 1961 and RCW 47.60.230 are each amended to read as follows:

In case of property loss or damage~~(;)~~ or personal injuries or death resulting from the operation of any ferry or terminal by the ~~((authority))~~ department, any person or the personal representative of any person ~~((shall))~~, subject to and to the extent hereinafter provided, ~~((have))~~ has a right of action against the ~~((authority))~~ department for ~~((such))~~ the damage, loss, injury, or death.

Sec. 318. Section 47.60.240, chapter 13, Laws of 1961 and RCW 47.60.240 are each amended to read as follows:

The right of action extended by this chapter (~~(shall be)~~) is applicable to loss or damage of property and/or personal injury or death(~~(;)~~) resulting from the operation of ferries or terminals by the (~~(authority)~~) department to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the (~~(authority)~~) department to insure it against loss for such liability.

Sec. 319. Section 47.60.250, chapter 13, Laws of 1961 as amended by section 3, chapter 164, Laws of 1967 and RCW 47.60.250 are each amended to read as follows:

As a condition to a recovery thereon, a verified claim against the (~~(authority)~~) department growing out of such damages, loss, injuries, or death must first be presented to the (~~(authority)~~) department and filed with (~~(its)~~) the secretary within one hundred twenty days after the time when (~~(such)~~) the claim accrued. If the claimant (~~(shall be)~~) is incapacitated from verifying and filing (~~(his)~~) a claim within (~~(said)~~) the one hundred twenty days, or if the claimant (~~(be)~~) is a minor, then the claim may be verified and presented on behalf of (~~(said)~~) the claimant by his or her relative, attorney, or agent. Each (~~(such)~~) claim must accurately locate and describe the event or defect that caused the damage, loss, injury, or death, reasonably describe the damage, loss, or injury, and state the time when the (~~(same)~~) damage, loss, or injury occurred, give the claimant's residence for the last six months (~~(last past)~~), and contain the items of damages claimed. No action (~~(shall)~~) may be maintained against the (~~(authority)~~) department upon (~~(such)~~) the claim until the (~~(same)~~) claim has been presented to, and filed with, the (~~(authority)~~) department and sixty days have elapsed after (~~(such)~~) the presentation and filing, nor more than three years after (~~(such)~~) the claim accrued.

With respect to the content of (~~(such)~~) the claims, this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 320. Section 47.60.260, chapter 13, Laws of 1961 and RCW 47.60.260 are each amended to read as follows:

The (~~(authority)~~) department may upon such terms and conditions as it may impose and under such rules (~~(and regulations)~~) as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle (~~(such)~~) the claims. No claim (~~(shall)~~) may be paid by the (~~(authority)~~) department or any settlement or compromise (~~(hereof)~~) of it be made except from (~~(its)~~) the operating revenues of the department derived from its operation of ferries or terminals or from the proceeds of insurance recoveries.

Sec. 321. Section 47.60.270, chapter 13, Laws of 1961 and RCW 47.60.270 are each amended to read as follows:

Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment ~~((shall))~~ may be levied against the property of the ~~((authority))~~ department, nor does the state consent to any maritime lien against vessels of the ~~((authority))~~ department, but the ~~((authority))~~ department may be required by order of court to pay any judgment.

Sec. 322. Section 47.60.280, chapter 13, Laws of 1961 and RCW 47.60.280 are each amended to read as follows:

The ~~((Washington toll bridge authority))~~ department is ~~((hereby))~~ authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of ~~((such))~~ the ferry service shall not begin until Whatcom county has completed the construction of such bridge.

Sec. 323. Section 1, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.282 are each amended to read as follows:

The ~~((Washington toll bridge authority and the Washington state highway commission are))~~ department is authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet ~~((in the event that))~~ if the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event ~~((shall))~~ may the ~~((authority and the commission))~~ department undertake such a ferry service preceding events as set forth herein or before April 1, 1973.

Sec. 324. Section 2, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.283 are each amended to read as follows:

The purpose of RCW 47.60.282 and 47.60.283 is to provide service on the ferry route between Port Townsend and Keystone to be determined by the ~~((toll bridge authority))~~ department. Operation of this route is necessary for the economic health, safety, and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard.

Sec. 325. Section 47.60.300, chapter 13, Laws of 1961 and RCW 47.60.300 are each amended to read as follows:

The review ~~((is to))~~ shall include but ~~((shall))~~ not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements

of the ((authority)) department as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the ((authority)) department to be properly within the scope of the review. The ((authority)) department is further authorized and directed to make a like review within every three-year period.

Sec. 326. Section 18, chapter 7, Laws of 1961 ex. sess. and RCW 47-.60.350 are each amended to read as follows:

There is ((hereby)) created in the motor vehicle fund the Puget Sound reserve account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys hereafter deposited in ((said)) the account shall be used by the ((~~Washington toll bridge authority~~)) department only for the purposes hereinafter set forth.

Sec. 327. Section 20, chapter 7, Laws of 1961 ex. sess. and RCW 47-.60.370 are each amended to read as follows:

The Puget Sound reserve account shall be used by the ((~~Washington toll bridge authority~~)) department for the following purposes:

The ((authority)) department may pledge any moneys in the Puget Sound reserve account or to be deposited in ((said)) that account to guarantee the payment of principal or interest on (1) bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds, or (2) subsequent parity bonds issued to pay costs of improving the Washington state ferry system or constructing additional transportation facilities for the crossing of any part of Puget Sound other than bridging between the east side of Puget Sound to the Kitsap Peninsula, Vashon Island, or Bainbridge Island((~~-PROVIDED; That~~)). However, the ((authority)) department shall not pledge any moneys in the Puget Sound reserve account to guarantee interest or principal on such parity bonds without further express authorization by legislative act.

The ((authority)) department may further pledge moneys in the Puget Sound reserve account to meet any sinking fund requirements or reserves established by the ((authority)) department with respect to any new bond issues provided for in this section.

To the extent of any pledge ((herein)) authorized in this section, the ((authority)) department shall use the first moneys available in the Puget Sound reserve account to meet such obligations as they arise.

Sec. 328. Section 22, chapter 7, Laws of 1961 ex. sess. and RCW 47-.60.390 are each amended to read as follows:

((~~Any~~)) Funds in the Puget Sound reserve account of the motor vehicle fund ((which)) that are not required by the ((authority)) department for payment of principal or interest on ((any)) bond issues or for any of the



other purposes authorized in RCW 47.60.370, may be invested by the ~~((authority, subject to the approval of the highway commission;))~~ department in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

Sec. 329. Section 2, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.410 are each amended to read as follows:

~~((In the event))~~ If refunding bonds are issued ~~((as provided in))~~ under RCW 47.60.400, the ~~((authority))~~ department is ~~((hereby))~~ directed to establish a fund to be called the "ferry improvement fund" to be used to pay all or any part of the cost of constructing, purchasing, reconstructing, replacing, extending, bettering, developing, or otherwise improving any part of the Washington state ferry system.

Into this fund the ~~((authority))~~ department shall place each year such sums as it finds needed for the aforesaid and available from the revenues of the ferry system and Hood Canal bridge after payment of costs of maintenance and operation, bond interest, bond reserve funds, and payments upon principal required during the year by bond resolutions~~((PROVIDED, That))~~. However, not more than two hundred fifty thousand dollars in any year shall be placed in such fund, and the amount accumulated in the fund shall not at any time exceed three million dollars.

Sec. 330. Section 3, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.420 are each amended to read as follows:

To the extent that all revenues from the Washington state ferry system and the Hood Canal bridge available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued ~~((pursuant to))~~ under RCW 47.60.400 through 47.60.470 and for sinking fund requirements established with respect thereto and for payment into such reserves as the ~~((authority shall have))~~ department has established with respect to the securing of ~~((such))~~ the bonds and for payment into the ferry improvement fund, there is ~~((hereby))~~ imposed a first and prior charge against the Puget Sound reserve account of the motor vehicle fund created by RCW 47.60.350 through 47.60.390 and, to the extent required, against all revenues ~~((hereafter derived from the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax))~~ required by ~~((law))~~ RCW 46.68.100 to be deposited in the Puget Sound reserve account

To the extent that the revenues from the Washington state ferry system and the Hood Canal bridge available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements and payments into reserves and the payments into the ferry improvement fund provided in RCW 47.60.410, the ~~((authority))~~ department shall use moneys in the Puget Sound reserve account for such purpose. Any moneys from the Puget Sound reserve account used by the ~~((authority))~~ department to pay ~~((such))~~ the obligations shall be repaid by the ~~((authority))~~ department to the motor vehicle fund from tolls of the Washington

state ferry system and the Hood Canal bridge, and tolls shall be continued for any required additional length of time necessary for this purpose.

Sec. 331. Section 6, chapter 9, Laws of 1961 ex. sess. and RCW 47-60.450 are each amended to read as follows:

If the net revenue together with all moneys in the Puget Sound reserve account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in RCW 47.60.440, the commission shall promptly revise the tolls and charges (~~shall be promptly revised to produce such coverage: PROVIDED, That in such case revision of tolls and charges shall be determined by the authority~~) after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the (~~authority~~) commission in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of (~~such~~) the engineering firm the increase would so reduce traffic that no net gain in revenue would result. (~~The provisions of~~) This section (~~shall be deemed~~) is a covenant for the benefit of the holders of (~~such~~) the bonds.

Sec. 332. Section 9, chapter 9, Laws of 1961 ex. sess. and RCW 47-60.470 are each amended to read as follows:

The (~~Washington toll bridge authority~~) department shall periodically report to the (~~joint fact-finding~~) legislative transportation committee (~~on highways, streets and bridges~~) its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature.

Sec. 333. Section 1, chapter 85, Laws of 1970 ex. sess. and RCW 47-60.500 are each amended to read as follows:

(1) The legislature finds that the state's ferry fleet available for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The (~~Washington state highway commission~~) department is authorized:

(a) To apply to the United States secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries(-);

(b) To enter into an agreement with the United States secretary of transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with (~~such~~) the agreement the (~~Washington state highway commission~~) department may pledge any

moneys in the Puget Sound capital construction account in the motor vehicle fund or any moneys to be deposited in ~~((said))~~ the account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of ~~((such))~~ the pledge the ~~((commission))~~ department shall use the moneys available in the Puget Sound capital construction account to meet ~~((such))~~ the obligations as they arise.

Sec. 334. Section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540 are each amended to read as follows:

(1) Whenever in ~~((any))~~ a biennium there has been paid into the Puget Sound ferry operations account sums equal to the appropriations from the account for the biennium, all additional sums accruing to the account shall forthwith be transferred from the account and shall be expended by the ~~((state highway commission))~~ department pursuant to proper appropriations for state highway purposes.

(2) One month after the end of each biennium ~~((any))~~ sums which were paid into the Puget Sound ferry operations account during the biennium just ended which remain unexpended shall be transferred from the account and shall be expended by the ~~((state highway commission))~~ department pursuant to proper appropriation for state highway purposes.

Sec. 335. Section 1, chapter 69, Laws of 1975-'76 2nd ex. sess. and RCW 47.60.550 are each amended to read as follows:

(1) Whenever ~~((any))~~ a county, city, or other municipal corporation acquires or constructs ~~((any))~~ a facility to be used in whole or in part for off-street parking of motor vehicles which is in the immediate vicinity of an existing or planned ferry terminal, the ~~((Washington toll bridge authority))~~ department may enter into an agreement with ~~((such))~~ the local governmental body providing for the use in part or at specified times of ~~((such))~~ the facility as a holding area for traffic waiting to board a ferry or for parking by ferry patrons.

(2) As a part of an agreement authorized by subsection (1) of this section, the ~~((authority))~~ department, subject to the limitations contained in RCW 47.60.380, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in ~~((said))~~ the account, to guarantee the payment of principal and interest on bonds issued by a county, city, or other municipal corporation to finance the acquisition or construction of ~~((such-a))~~ the parking facility. In making ~~((any such))~~ the pledge, the ~~((authority))~~ department shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that ~~((such))~~ the bonds shall rank on parity with the bonds authorized by this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account.

The ~~((authority))~~ department shall also reserve the right to pledge moneys in the Puget Sound capital construction account to guarantee subsequent bonds issued by any county, city, or other municipal corporation to

finance parking facilities as authorized in subsection (1) of this section with the provision that ~~((such))~~ the subsequent bonds shall rank on parity with prior bonds guaranteed pursuant to this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account. To the extent of any pledge herein authorized, the ~~((authority))~~ department shall use the first moneys available in the Puget Sound capital construction account to meet ~~((such))~~ the obligations as they arise.

Sec. 336. Section 1, chapter 360, Laws of 1977 ex. sess. and RCW 47-60.560 are each amended to read as follows:

In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the ~~((Washington toll bridge authority))~~ department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). ~~((In the event))~~ If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of four high-speed, passenger-only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of ~~((said))~~ the bonds authorized herein shall be ~~((utilized))~~ used to pay the state's share of the acquisition cost of ~~((such))~~ the high-speed, passenger-only vessels. The high-speed, passenger-only vessels shall be of existing design currently manufactured in the United States, shall have a normal cruising speed in excess of forty knots, and shall have a passenger capacity of two hundred fifty to three hundred fifty passengers. Upon request being made by the ~~((Washington toll bridge authority))~~ department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of ~~((said))~~ the bonds in accordance with ~~((the provisions of))~~ chapter 39.42 RCW. ~~((Such))~~ The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries.

Sec. 337. Section 6, chapter 360, Laws of 1977 ex. sess. and RCW 47-60.610 are each amended to read as follows:

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the bond retirement fund ~~((shall))~~ proves more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee and with the concurrence of the ~~((Washington toll bridge authority))~~ department, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Sec. 338. Section 1, chapter 56, Laws of 1965 ex. sess. and RCW 47-.61.010 are each amended to read as follows:

Recognizing that the Washington state ferries system is an integral part of the state highway system, the (~~Washington state highway commission~~) department is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964.

Sec. 339. Section 9, chapter 56, Laws of 1965 ex. sess. and RCW 47-.61.090 are each amended to read as follows:

(~~Any~~) Funds required to repay (~~such~~) the bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the (~~highway~~) department for state highway purposes, and shall never constitute a charge against any allocations of (~~such~~) the funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on (~~any such~~) the bonds.

Sec. 340. Section 47.64.060, chapter 13, Laws of 1961 and RCW 47-.64.060 are each amended to read as follows:

All employees engaged in the operation of ferries acquired by the (~~authority~~) department shall remain subject to the federal social security act and shall be under the state employees' retirement act. The (~~authority~~) department shall make such deductions from salaries of employees and contributions from revenues of the (~~authority~~) department as shall be necessary to qualify (~~such~~) the employees for benefits under the federal social security act(~~; and~~). The appropriate officials are authorized to contract with the secretary of health, education and welfare to effect (~~such~~) the coverage.

Sec. 341. Section 47.64.080, chapter 13, Laws of 1961 and RCW 47-.64.080 are each amended to read as follows:

(~~At~~) Employees employed at the time of the acquisition of any ferry or ferry system by the (~~toll bridge authority shall~~) department have seniority rights to the position they occupy aboard (~~said~~) the ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the (~~toll bridge authority~~) department.

Sec. 342. Section 1, chapter 165, Laws of 1947 and RCW 47.68.020 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Aeronautics" means the science and art of flight and including but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

(4) (~~"Commission" means the state aeronautics commission~~) "Department" means the state department of transportation.

(5) (~~"Director" means the director of aeronautics of this state~~) "Secretary" means the state secretary of transportation.

(6) "State" or "this state" means the state of Washington.

(7) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(8) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(9) "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by ~~(him)~~ the person.

(10) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or

ground subjects pertaining to aeronautics, but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his or her duties at such school, university, or institution.

(11) "Air school" means any person who advertises, represents, or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(13) "Municipal" means pertaining to a municipality, and "municipality" (~~shall~~) means any county, city, town, authority, district, or other political subdivision or public corporation of this state.

(14) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(15) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the ~~((commission))~~ department as a route suitable for air navigation.

Sec. 343. Section 6, chapter 165, Laws of 1947 and RCW 47.68.060 are each amended to read as follows:

Suitable offices and office equipment shall be provided by the state for the ~~((commission))~~ aeronautics division of the department of transportation in a city in the state that it may designate, and the ~~((commission))~~ department may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

Sec. 344. Section 7, chapter 165, Laws of 1947 and RCW 47.68.070 are each amended to read as follows:

The ~~((commission shall have))~~ department has general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the ~~((commission))~~ department in the development of aeronautics and aeronautical facilities in this state.

Sec. 345. Section 5, chapter 252, Laws of 1945 as amended by section 8, chapter 165, Laws of 1947 and RCW 47.68.080 are each amended to read as follows:

The ~~((commission))~~ department may draft and recommend necessary legislation to advance the interests of the state in aeronautics, represent the state in aeronautical matters before federal agencies and other state agencies, and participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

Sec. 346. Section 10, chapter 165, Laws of 1947 and RCW 47.68.100 are each amended to read as follows:

The ~~((commission))~~ department is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance, and operation at ~~((such))~~ the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such purposes the ~~((commission))~~ department may by purchase, gift, devise, lease, condemnation, or otherwise, acquire property, real or personal, or any interest therein, including easements or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the ~~((commission))~~ department may acquire existing airports and air navigation facilities ~~((: PROVIDED, That))~~. However, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of ~~((such))~~ the municipality. The ~~((commission))~~ department may by sale, lease, or otherwise, dispose of any ~~((such))~~ property, airport, air navigation facility, or portion thereof or interest therein. ~~((Such))~~ The disposal by sale, lease, or otherwise ~~((:))~~ shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the ~~((commission may))~~ department deems in the best interest of the state. The ~~((commission))~~ department may exercise any powers granted by this section jointly with any municipalities, agencies, or departments of the state government, with other states or their municipalities, or with the United States.

Sec. 347. Section 12, chapter 165, Laws of 1947 and RCW 47.68.120 are each amended to read as follows:



In the condemnation of property authorized by this ~~((section [chapter]))~~ chapter, the ~~((commission))~~ department shall proceed in the name of the state in the manner that property is acquired by the ~~((state-highway))~~ department for public uses.

Sec. 348. Section 13, chapter 165, Laws of 1947 and RCW 47.68.130 are each amended to read as follows:

In operating an airport or air navigation facility owned or controlled by the state, the ~~((commission))~~ department may enter into contracts, leases, and other arrangements for a term not exceeding twenty-five years with any persons ~~((granting))~~. The department may grant the privilege of using or improving ~~((such))~~ the airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes, ~~((conferring))~~ confer the privilege of supplying goods, commodities, things, services, or facilities at ~~((such))~~ the airport or air navigation facility, or ~~((making))~~ make available services to be furnished by the ~~((commission))~~ department or its agents at ~~((such))~~ the airport or air navigation facility. In each case the ~~((commission))~~ department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the cost of operation to the state~~((:PROVIDED, That))~~. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion or facility thereof.

Sec. 349. Section 15, chapter 165, Laws of 1947 and RCW 47.68.150 are each amended to read as follows:

To enforce the payment of any charges for repairs to, improvements, storage, or care of any personal property made or furnished by the ~~((commission))~~ department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the ~~((commission))~~ department as provided by law.

Sec. 350. Section 17, chapter 165, Laws of 1947 and RCW 47.68.170 are each amended to read as follows:

The ~~((commission))~~ department may designate, design, and establish, expand, or modify a state airways system ~~((which))~~ that will best serve the interest of the state. It may chart ~~((such))~~ the airways system and arrange for publication and distribution of such maps, charts, notices, and bulletins relating to ~~((such))~~ the airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned~~((:PROVIDED, That such))~~, if the facilities conform to federal safety standards.

Sec. 351. Section 18, chapter 165, Laws of 1947 and RCW 47.68.180 are each amended to read as follows:

The ~~((commission))~~ department may enter into any contracts necessary to the execution of the powers granted it by this chapter. All contracts made by the ~~((commission))~~ department, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts ~~((PROVIDED, That))~~. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport ~~((;))~~ or air navigation facility is financed wholly or partially with federal moneys, the ~~((commission))~~ department as agent of the state or of any municipality, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

Sec. 352. Section 1, chapter 73, Laws of 1963 and RCW 47.68.185 are each amended to read as follows:

The ~~((aeronautics commission))~~ department is authorized to establish the necessary accounts or administrative procedures required by conditions attached to transfers of airport facilities from the federal government to the state of Washington.

Sec. 353. Section 19, chapter 165, Laws of 1947 and RCW 47.68.190 are each amended to read as follows:

The ~~((commission))~~ department shall not grant ~~((no))~~ any exclusive right for the use of any landing area or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this chapter.

Sec. 354. Section 20, chapter 165, Laws of 1947 and RCW 47.68.200 are each amended to read as follows:

The acquisition of any lands or interest therein pursuant to this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipality or municipalities, and the exercise of any other powers herein granted to the ~~((commission))~~ department are ~~((hereby declared to be))~~ public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter shall and are ~~((hereby))~~ declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Sec. 355. Section 2, chapter 207, Laws of 1967 as amended by section 143, chapter 3, Laws of 1983 and RCW 47.68.233 are each amended to read as follows:

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this

state ~~((shall))~~ be registered with the department for each calendar year by January 31st thereof. The department shall charge an annual fee not to exceed five dollars for each ~~((such))~~ registration. Registration under this section ~~((shall-be))~~ is required thirty days after June 8, 1967. All registration certificates issued ~~((pursuant-to))~~ under this section ~~((shall))~~ expire on December 31st of each year.

The registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the ~~((director))~~ secretary and (b) safety and education.

Registration shall be effected by filing with the department a certified written statement~~((,-containing))~~ that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of ~~((such))~~ the certificates.

The provisions of this section ~~((shall))~~ do not apply to:

(1) ~~((The))~~ A pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) ~~((Any))~~ A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of ~~((said))~~ the controls and ~~((such))~~ the flight is solely for instruction or for the demonstration of ~~((said))~~ the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section ~~((shall-be-deemed-to-be))~~ is a violation of RCW 47.68.230 and ~~((shall))~~ subjects the offender to the penalties incident thereto.

Sec. 356. Section 28, chapter 165, Laws of 1947 and RCW 47.68.280 are each amended to read as follows:

The ~~((commission or any member thereof and the director))~~ department or any officer or employee of the ~~((commission))~~ department designated by it ~~((shall-have))~~ has the power to hold investigations, inquiries, and hearings concerning matters covered by ~~((the-provisions-of))~~ this chapter including accidents in aeronautics within this state. Hearings shall be open to the public and, except as hereinafter provided, shall be held upon such call or notice as the ~~((commission-shall))~~ department deems advisable. ~~((Each member of the commission, the director))~~ The department and every officer or employee of the ~~((commission))~~ department designated by it to hold any inquiry, investigation, or hearing ~~((shall-have))~~ has the power to

administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance of witnesses and the production of papers, books and documents. In case of the failure of ~~((any))~~ a person to comply with ~~((any))~~ a subpoena or order issued under the authority of this section, the ~~((commission))~~ department or its authorized representatives may invoke the aid of ~~((any))~~ a competent court of general jurisdiction. The court may thereupon order ~~((such))~~ the person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

Sec. 357. Section 29, chapter 165, Laws of 1947 and RCW 47.68.290 are each amended to read as follows:

The ~~((commission is authorized to))~~ department may confer with or ~~((to))~~ hold joint hearings with any agency of the United States in connection with any matter arising under this chapter~~((;))~~ or relating to the development of aeronautics.

The ~~((commission is authorized to))~~ department may avail itself of the cooperation, services, records, and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this chapter, and shall furnish to the agencies of the United States such services, records, and facilities as ~~((may be))~~ are practicable.

The ~~((commission))~~ department shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it is informed, and shall in so far as is practicable preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

Sec. 358. Section 30, chapter 165, Laws of 1947 and RCW 47.68.300 are each amended to read as follows:

In carrying out ~~((the provisions of))~~ this chapter the ~~((commission))~~ department may use the facilities and services of other agencies of the state and of the municipalities of the state to the utmost extent possible, and ~~((such))~~ the agencies and municipalities are authorized and directed to make available their facilities and services.

Sec. 359. Section 31, chapter 165, Laws of 1947 as amended by section 1, chapter 204, Laws of 1955 and RCW 47.68.310 are each amended to read as follows:

It ~~((shall be))~~ is the duty of the ~~((commission, its members, director,))~~ secretary, the department, the officers~~((;))~~ and employees of the ~~((commission))~~ department, and every state and municipal officer charged with the enforcement of state and municipal laws~~((;))~~ to enforce and assist in the enforcement of this chapter and of all other laws of this state relating to aeronautics. The ~~((director))~~ secretary and those officers or employees of the ~~((commission))~~ department designated by the ~~((director))~~ secretary in

writing are (~~hereby~~) granted police powers solely for the enforcement of state aeronautics laws and the (~~regulations~~) rules having the effect of law.

Sec. 360. Section 32, chapter 165, Laws of 1947 and RCW 47.68.320 are each amended to read as follows:

Every order of the (~~commission~~) department requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate, or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the (~~commission~~) department will be given or the approval, license, or certificate granted or restored, or the order modified or changed. Orders issued by the (~~commission pursuant to the provisions of~~) department under this chapter shall be served upon the persons affected either by (~~registered~~) certified mail or in person. In every case where notice and opportunity for a hearing are required under (~~the provisions of~~) this chapter, the order of the (~~commission~~) department shall, on not less than ten days notice, specify a time when and place where the person affected may be heard, or the time within which (~~he~~) the person may request a hearing, and (~~such~~) the order shall become effective upon the expiration of the time for exercising (~~such~~) the opportunity for a hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the (~~commission shall~~) department affirms, disaffirms, or (~~modify such~~) modifies the order after a hearing has been held or default by the person has been affected. To the extent practicable, hearings on (~~such~~) the orders shall be in the county where the affected person resides or does business. Any person aggrieved by an order of the (~~commission~~) department or by the grant, denial, or revocation of (~~any~~) an approval, license, or certificate may have the action of the (~~commission~~) department reviewed by the courts of this state (~~in the manner provided for, and subject to the rules of law applicable to the review of the orders of other administrative bodies of the state~~) under chapter 34.04 RCW.

Sec. 361. Section 2, chapter 263, Laws of 1961 and RCW 47.68.340 are each amended to read as follows:

(~~Any~~) A structure or obstacle (~~which~~) that obstructs the air space above ground or water level, when determined by the (~~commission~~) department after a hearing to be a hazard or potential hazard to the safe flight of aircraft, shall be plainly marked, illuminated, painted, lighted, or designated in a manner to be approved in accordance with the general rules (~~and regulations~~) of the (~~commission~~) department so that the (~~same~~) structure or obstacle will be clearly visible to airmen. In determining which structures or obstacles constitute or may become a hazard to air flight, the (~~commission~~) department shall take into account only those obstacles located at river, lake, and canyon crossings and in other low-altitude flight paths usually traveled by aircraft.

Sec. 362. Section 3, chapter 263, Laws of 1961 and RCW 47.68.350 are each amended to read as follows:

The ~~((director shall have the authority to))~~ secretary may require owners, operators, lessees, or others having the control or management of structures or obstacles over one hundred fifty feet above ground or water level and ~~((which))~~ that are or may become a hazard to air flight to report the location of ~~((such))~~ the existing or proposed structures or obstacles to the ~~((commission))~~ department. For that purpose the ~~((director))~~ secretary may issue subpoenas and subpoenas duces tecum returnable within twenty days to the ~~((commission))~~ department. ~~((In the event))~~ If a person refuses to obey the ~~((director's))~~ secretary's subpoena, the ~~((commission))~~ department may certify to the superior court all facts of ~~((any such))~~ the refusal. The court shall summarily hear evidence on ~~((such))~~ the refusal, and, if the evidence warrants, punish ~~((such))~~ the person refusing in the same manner and to the same extent as ~~((for))~~ a contempt committed before the court.

Sec. 363. Section 1, chapter 73, Laws of 1975-'76 2nd ex. sess. and RCW 47.68.370 are each amended to read as follows:

It is ~~((declared to be))~~ the public policy of the state of Washington to direct the financial resources of this state toward the support and aid of air search, rescue, and emergency services within the state in order to promote the general welfare of its citizens. The legislature further declares that the operation of crash, rescue, emergency operations, and organization communications in the event of natural or other disasters, the performance of emergency missions for other federal and state agencies such as the patrol of forests, pipelines, flood areas, the transportation of critical parts and supplies, and the education and character development of our young people with the cadet program of the Washington wing civil air patrol serves the public interest. The Washington wing civil air patrol is a nonprofit, federally chartered, private corporation, which is an auxiliary of the United States Air Force and is engaged in cooperation with the national, state, and local emergency services effort and the ~~((Washington aeronautics commission))~~ department, which serves the public interest and purpose, and is staffed by civilian volunteers engaged in their contribution to the public welfare ~~((at))~~ with no reimbursement for their efforts.

In expending moneys appropriated by the legislature, the Washington wing civil air patrol shall consult and cooperate with the ~~((Washington aeronautics commission))~~ department so that maximum education and development in aeronautical matters can be accomplished and the maximum contribution to emergency services can be made.

The ~~((Washington aeronautics commission is hereby authorized to))~~ department may contract with the Washington wing civil air patrol to accomplish the purposes set forth in this section, and to furnish accommodations, goods, and services to the Washington wing civil air patrol as may be necessary to accomplish the purposes of this section.

Sec. 364. Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 69, Laws of 1977 ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of ((his)) employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director ((under RCW 49.46.050));
- (3) "Employ" includes ((to suffer or)) to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
  - (a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;
  - (b) Any individual employed in domestic service in or about a private home;
  - (c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman((f)) as ((such)) those terms are defined and delimited by regulations of the director(~~(- PROVIDED HOWEVER, That such))~~. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions((?));

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously(~~(: PROVIDED, That)~~). If ((such)) the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of ((such)) the voluntary services(~~(: PROVIDED, That such)~~). The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the ~~((state highway commission))~~ department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.



(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 365. Section 1, chapter 236, Laws of 1959 and RCW 53.34.010 are each amended to read as follows:

In addition to all other powers granted to port districts, any such district may, with the consent of the ~~((state highway commission))~~ department of transportation, acquire by condemnation, purchase, lease, or gift, and may construct, reconstruct, maintain, operate, furnish, equip, improve, better, add to, extend, and lease to others in whole or in part and sell in whole or in part any one or more of the following port projects, within or without or partially within and partially without the corporate limits of the district whenever the commission of the district determines that any one or more of such projects are necessary for or convenient to the movement of commercial freight and passenger traffic a part of which traffic moves to, from, or through the territory of the ~~((said))~~ district~~((, to wit))~~:

(1) Toll bridges;

(2) Tunnels under or upon the beds of any river, stream, or other body of water, or through mountain ranges~~((, and))~~.

In connection with the acquisition or construction of any one or more of such projects ~~((said))~~ the port districts may, with the consent of the state ~~((highway commission))~~ department of transportation, further acquire or construct, maintain, operate, or improve limited or unlimited access highway approaches of such length as the commission of such district ~~((may))~~ deems advisable to provide means of interconnection of ~~((such))~~ the facilities with public highways and of ingress and egress to any such project, including plazas and toll booths, and to construct and maintain under, along, over, or across any such project telephone, telegraph, or electric transmission wires and cables, fuel lines, gas transmission lines or mains, water transmission lines or mains, and other mechanical equipment not inconsistent with the appropriate use of ~~((such))~~ the project, all for the purpose of obtaining revenues for the payment of the cost ~~((thereof))~~ of the project.

Sec. 366. Section 18, chapter 236, Laws of 1959 and RCW 53.34.180 are each amended to read as follows:

Any public agency, including without limitation the ~~((aeronautics commission, the department of highways and the state toll bridge authority))~~ department of transportation, may contract with ~~((any))~~ a port district~~((;))~~ that is constructing a project or projects under ~~((the authority of))~~ this chapter~~((;))~~ for the contribution of moneys or real or personal property in aid of the construction of ~~((such))~~ the projects, or for the furnishing of engineering, legal, police, and fire protection, and all other services necessary or convenient to the acquisition, construction, reconstruction, operation, maintenance, renewal, replacement, improvement, additions to, or extension of ~~((any such))~~ the project or projects~~((, such))~~. The contracts

~~((to)) shall~~ run for such period of years and ~~((to))~~ contain such terms and conditions as the parties thereto ~~((shall))~~ mutually agree upon. Any public agency, by resolution, may authorize the execution of ~~((such))~~ the contracts with a port district and no other authorization on the part of ~~((such))~~ the public agency ~~((shall be))~~ is necessary, regardless of any provision of laws or of a city charter to the contrary ~~((notwithstanding))~~. Obligations assumed by a public agency ~~((pursuant to such))~~ under the contracts entered into under ~~((the authority of))~~ this chapter shall be included and provided for in each annual budget of ~~((such))~~ the public agency made thereafter ~~((made))~~ until all ~~((such))~~ the obligations have been fully discharged.

Sec. 367. Section 2, chapter 159, Laws of 1973 1st ex. sess. and RCW 58.22.020 are each amended to read as follows:

The department of natural resources shall establish and maintain a state base mapping system. The standards for the state base mapping system shall be:

(1) A series of fifteen minute United States geological survey quadrangle map separates at a scale of one to 48,000 (one inch equals 4,000 feet) covering the entire state;

(2) A series of seven and one-half minute United States geological survey quadrangle map separates at a scale of one to 24,000 (one inch equals 2,000 feet) for urban areas; including but not limited to those identified as urban by the state ~~((highway))~~ department of transportation for the United States department of ~~((commerce, bureau of public roads))~~ transportation.

All features and symbols added to the quadrangle separates shall meet as nearly as is practical national map accuracy standards and specifications as defined by the United States geological survey for their fifteen minute and seven and one-half minute quadrangle map separates.

Each quadrangle shall be revised by the department of natural resources as necessary to reflect current conditions.

Sec. 368. Section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67-.32.140 are each amended to read as follows:

The ~~((state highways))~~ department of transportation shall consider plans for trails along and across all new construction projects, improvement projects, and along or across any existing highways in the state system as deemed desirable by the IAC.

Sec. 369. Section 69, chapter 247, Laws of 1943 as last amended by section 1, chapter 217, Laws of 1959 and RCW 68.24.180 are each amended to read as follows:

After dedication ~~((pursuant to))~~ under this ~~((act))~~ title, and as long as the property remains dedicated to cemetery purposes, ~~((no))~~ a railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall not be laid out, through, over, or across any part of it without the

consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots(~~(-PROVIDED, That))~~. However, so long as the action is commenced prior to March 31, 1961, the ~~((Washington state highway commission))~~ department of transportation may condemn for state highway purposes for Primary State Highway No. 14 in the vicinity of Gig Harbor land in any burial ground or cemetery in the following cases: (1) Where no organized or known authority is in charge of any such cemetery, or (2) where the necessary consent cannot be obtained and the court ~~((shall))~~ finds that considerations of highway safety necessitate the taking of ~~((such))~~ the land. ~~((Any))~~ A judgment entered in ~~((such))~~ the condemnation proceedings shall ~~((provide and))~~ require that before ~~((any))~~ an entry is made on the land condemned ~~((for the purpose of construction or for the use of the same))~~ for state highway purposes, the state shall, at its own expense, remove or cause to be removed~~(;)~~ from ~~((such))~~ the land any bodies buried therein and suitably reinter them elsewhere to the satisfaction of relatives, if they can be found.

Sec. 370. Section 7, chapter 186, Laws of 1947 and RCW 79.24.160 are each amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the state capitol committee in the completion of the Deschutes Basin project adjacent to the state capitol grounds. ~~((Such))~~ The project shall embrace~~(;)~~: (1) The acquisition by purchase or condemnation of necessary lands or easements; (2) the construction of a dam or weir along the line of Fifth Avenue in the city of Olympia and a parkway and railroad over the same; (3) the construction of a parkway on the west bank of the Deschutes Basin from the Pacific highway at the Deschutes River to a connection with the Olympic highway; (4) the construction of a parkway from the vicinity of Ninth Avenue and Columbia Street in the city of Olympia around the south side of the north Deschutes Basin, using the existing railroad causeway, to a road along Percival Creek and connecting with the Olympic highway; (5) the preservation of the precipitous banks surrounding the basin by the acquisition of easements or other rights whereby the cutting of trees and the building of structures on the banks can be controlled; (6) the construction by dredging of varying level areas at the foot of the bluffs for access to water and to provide for boating and other recreational areas, and (7) such other undertakings as, in the judgment of the committee, are necessary to the completion of the project.

In connection with the establishment of parkways, causeways, streets, and highways, or the relocation thereof, and the rerouting of railroads to effectuate the general plan of the basin project, the committee shall at all times cooperate with the department of ~~((highways))~~ transportation, the proper authorities of the city of Olympia, and the railroad companies which may be involved in the rerouting of railway lines.

Sec. 371. Section 2, chapter 161, Laws of 1977 ex. sess. and RCW 79-.72.020 are each amended to read as follows:

The ~~((following terms when used))~~ definitions set forth in this section apply throughout this chapter ~~((shall be defined as follows))~~ unless the context clearly requires otherwise~~((:))~~.

(1) "Department" means the state parks and recreation commission.

(2) "Committee of participating agencies" or "committee" means a committee composed of the executive head, or ~~((such))~~ the executive's designee, of each of the state departments of ecology, fisheries, game, natural resources, and ~~((highways))~~ transportation, the state parks and recreation commission, the interagency committee for outdoor recreation, the Washington state association of counties, and the association of Washington cities.

When a specific river or river segment of the state's scenic river system is being considered by the committee, a representative of each participating local government associated with that river or river segment shall serve as a member of the committee.

(3) "Participating local government" means the legislative authority of any city or county, a portion of whose territorial jurisdiction is bounded by or includes a river or river segment of the state's scenic river system.

(4) "River" means a flowing body of water or a section, segment, or portion thereof.

(5) "River area" means a river and the land area in its immediate environs as established by the participating agencies not exceeding a width of one-quarter mile landward from the streamway on either side of the river.

(6) "Scenic easement" means the negotiated right to control the use of land, including the air space above ~~((such))~~ the land, for the purpose of protecting the scenic view throughout the visual corridor.

(7) "Streamway" means that stream-dependent corridor of single or multiple, wet or dry, channel or channels within which the usual seasonal or stormwater run-off peaks are contained, and within which environment the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(8) "System" means all the rivers and river areas in the state designated by the legislature for inclusion as scenic rivers but does not include tributaries of a designated river unless specifically included by the legislature. The inclusion of a river in the system does not mean that other rivers or tributaries in a drainage basin shall be required to be part of the management program developed for the system unless ~~((such))~~ the rivers and tributaries within the drainage basin are specifically designated for inclusion by the legislature.

(9) "Visual corridor" means that area which can be seen in a normal summer month by a person of normal vision walking either bank of a river

included in the system. (~~Such~~) The visual corridor shall not exceed the river area.

Sec. 372. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is (~~hereby~~) created and established the (~~the~~) energy facility site evaluation council(~~s~~).

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and (~~shall be~~) is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined ( ~~pursuant to the provisions of~~) under RCW 43.03.040. The chairman (~~shall be deemed~~) is a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of game;
- (d) Department of parks and recreation;
- (e) Department of social and health services;
- (f) State energy office;
- (g) Department of commerce and economic development;
- (h) Utilities and transportation commission;
- (i) Office of (~~program planning and fiscal~~) financial management;
- (j) Department of natural resources;
- (k) Planning and community affairs agency;
- (l) Department of emergency services;
- (m) Department of agriculture;
- (n) Department of (~~highways~~) transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of (~~such~~) the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers

the proposed site for the city which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of ~~((such))~~ the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of ~~((such))~~ the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 373. Section 81.53.030, chapter 14, Laws of 1961 and RCW 81.53.030 are each amended to read as follows:

Whenever ~~((any))~~ a railroad company desires to cross ~~((any))~~ a highway or railroad at grade, it shall file a written petition with the commission setting forth the reasons why the crossing cannot be made either above or below grade~~((, and))~~. Whenever the ~~((county commissioners))~~ legislative authority of ~~((any))~~ a county, or the municipal authorities of ~~((any))~~ a city, or the state officers authorized to lay out and construct state roads, or the state parks and recreation commission, desire to extend ~~((any))~~ a highway across ~~((any))~~ a railroad at grade, they shall file a written petition with the commission, setting forth the reasons why the crossing cannot be made either above or below grade. Upon receiving ~~((such))~~ the petition the commission shall immediately investigate it, giving at least ten days' notice to the railroad company and the county or city affected thereby, of the time and place of ~~((such))~~ the investigation, to the end that all parties interested may be present and heard. If the highway involved is a state road or parkway, the ~~((director of highways))~~ secretary of transportation or the state parks and recreation commission shall be notified of the time and place of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If it finds that it is not practicable to cross the railroad or highway either above or below grade, the commission shall enter a written order in the ~~((clause))~~ cause, either granting or denying the right to construct a grade crossing at the point in question. The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. In respect to existing railroad grade crossings over highways the construction of which grade crossings was accomplished other than ~~((pursuant to))~~ under a commission order authorizing ~~((the same))~~ it, the commission may in any event require the railroad company to install and maintain, at or near each crossing, on both sides

((thereof)) of it, a sign known as the sawbuck crossing sign with the lettering "Railroad Crossing" inscribed thereon with a suitable inscription indicating the number of tracks. ((Such a)) The sign shall be of standard design conforming to specifications furnished by the Washington state ((highway commission)) department of transportation.

Sec. 374. Section 81.53.060, chapter 14, Laws of 1961 as amended by section 8, chapter 210, Laws of 1969 ex. sess. and RCW 81.53.060 are each amended to read as follows:

The mayor and city council, or other governing body of any city or town, or the ((county commissioners)) legislative authority of any county within which there exists any under-crossing, over-crossing, or grade crossing, or where any street or highway is proposed to be located or established across any railroad, or any railroad company whose road is crossed by any highway, may file with the commission their or its petition in writing, alleging that the public safety requires the establishment of an under-crossing or over-crossing, or an alteration in the method and manner of an existing crossing and its approaches, or in the style and nature of construction of an existing over-crossing, under-crossing, or grade crossing, or a change in the location of an existing highway or crossing, the closing or discontinuance of an existing highway crossing, and the diversion of travel thereon to another highway or crossing, or if not practicable, to change ((such)) the crossing from grade or to close and discontinue the ((same)) crossing, the opening of an additional crossing for the partial diversion of travel, and praying that ((the same)) this relief may be ordered. If the existing or proposed crossing is on a state road, highway, or parkway, the petition may be filed by the ((director of highways)) secretary of transportation or the state parks and recreation commission. Upon ((such)) the petition being filed, the commission shall fix a time and place for hearing the petition and shall give not less than twenty days' notice ((thereof)) to the petitioner, the railroad company, and the municipality or county in which the crossing is situated. If the highway involved is a state highway or parkway, like notice shall be given to the ((director of highways)) secretary of transportation or the state parks and recreation commission. If the change petitioned for requires that private lands, property, or property rights be taken, damaged, or injuriously affected to open up a new route for the highway, or requires that any portion of any existing highway be vacated and abandoned, twenty days' notice of the hearing shall be given to the owner or owners of the private lands, property, and property rights which it is necessary to take, damage, or injuriously affect, and to the owner or owners of the private lands, property, or property rights that will be affected by the proposed vacation and abandonment of the existing highway. The commission shall also cause ((said)) notice of the hearing to be published once in ((some)) a newspaper of general circulation in the community where ((such)) the crossing is situated, which publication shall appear at least two days ((prior to)) before the date of hearing. At the

time and place fixed in the notice, all persons and parties interested (~~(staff be)~~) are entitled to be heard and introduce evidence(~~(-PROVIDED; That)~~). In the case of a petition for closure of a grade crossing the commission may order (~~(such)~~) the grade crossing closed without hearing where: (1) Notice of the filing of the petition is posted at, or as near as practical to, the crossing; (2) notice of the filing of the petition is published once in (~~(some)~~) a newspaper of general circulation in the community or area where (~~(such)~~) the crossing is situated, which publication shall appear within the same week that the notice referred to in subsection (1) (~~(above)~~) of this section is posted; and (3) no objections are received by the commission within twenty days from the date of the publication of the notice.

Sec. 375. Section 81.53.240, chapter 14, Laws of 1961 as amended by section 8, chapter 134, Laws of 1969 and RCW 81.53.240 are each amended to read as follows:

Except to the extent necessary to permit participation by first class cities in the grade crossing protective fund, when (~~(such)~~) an election to participate is made(~~(;)~~) as provided in RCW 81.53.261 through 81.53.291, chapter 81.53 RCW (~~(staff)~~) is not (~~(be)~~) operative within the limits of first class cities, and (~~(staff)~~) does not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that (~~(no)~~) a street car line outside of cities of the first class shall not cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the (~~(director of highways)~~) secretary of transportation, or the location of any crossing thereon adopted or approved by the (~~(highway commission)~~) department of transportation, or grant a railroad authority to cross a state highway at grade (~~(unless)~~) without the (~~(director of highways consents thereto)~~) consent of the secretary of transportation.

Sec. 376. Section 4, chapter 36, Laws of 1972 ex. sess. and RCW 81.96.030 are each amended to read as follows:

The (~~(director of aeronautics)~~) secretary of transportation or his designee (~~(is hereby authorized to)~~) may serve as the Washington state member to the western regional short-haul air transportation compact and (~~(to)~~) may execute (~~(said)~~) the compact on behalf of this state with any other state or states legally joining therein.

Sec. 377. Section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.400 are each amended to read as follows:

Upon the filing of the schedule of apportionment, the (~~(board of)~~) county (~~(commissioners)~~) legislative authority shall fix the time and place for a hearing thereon, which time shall be not more than sixty days from the date of the filing (~~(thereof and)~~) of the schedule. Notice of (~~(such)~~) the hearing shall be given in the manner provided for giving notice of a hearing



in RCW 85.08.150. ~~((Said))~~ The notice shall fix the time and place of the hearing on ~~((said))~~ the roll, and shall state that the schedule of apportionment showing the amount of the cost of the improvement apportioned to each county, city, town, and piece of property benefited by the improvement is on file in the office of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority and is open to public inspection, and shall notify all persons who may desire to object thereto that they may make ~~((such))~~ their objections in writing and file ~~((the-same))~~ them with the clerk of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority at or ~~((prior-to))~~ before the date fixed for ~~((such))~~ the hearing~~((;-and))~~. The notice shall also state that at the time and place fixed and at such other times and places as the hearing may be continued to, the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority will sit as a board of equalization for the purpose of considering ~~((such))~~ the schedule and at ~~((such))~~ the hearing or hearings will also consider any objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify ~~((such))~~ the schedule~~((;-))~~ or any part thereof, or set aside ~~((such))~~ the schedule and order that ~~((such))~~ the apportionment be made de novo as to such body shall appear just and equitable, and that at ~~((said))~~ the hearing the board will confirm ~~((said))~~ the schedule as finally approved by them and will levy an assessment against the property described thereon for the amounts as fixed by them. The ~~((board-of))~~ county ~~((commissioners))~~ legislative authority shall serve by mail, at least ten days before ~~((such))~~ the hearing, upon the commissioner of public lands of the state of Washington a like notice, in duplicate, showing the amount of the cost of the improvements apportioned against all state, school, granted, or other lands owned by the state of Washington in ~~((such))~~ the district~~((;-also))~~. The county legislative authority shall serve a like notice upon the state ~~((supervisor-of-highways))~~ secretary of transportation showing the amount apportioned against any state primary or secondary highways. Upon receipt of ~~((such))~~ the notice the commissioner of public lands ~~((and-or))~~ or the ~~((state-supervisor-of-highways))~~ secretary of transportation, as the case may be, shall endorse thereon a statement either that he elects to accept or that he elects to contest ~~((such))~~ the apportionment, and shall return the ~~((same))~~ notice, so endorsed, to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority. At or ~~((prior-to-such))~~ before the hearing any person interested may file with the clerk of the ~~((board))~~ county legislative authority written objections to any item or items of ~~((said))~~ the apportionment.

Sec. 378. Section 6, chapter 26, Laws of 1949 and RCW 85.16.070 are each amended to read as follows:

Notice of ~~((such))~~ the hearing shall be given by publication in the official county newspaper and in such other newspaper published in or near ~~((such))~~ the district as the ~~((board))~~ county legislative authority may in ~~((their))~~ its discretion direct, once a week for two consecutive weeks, the

last publication of which shall be not less than seven nor more than fourteen days ~~((prior to))~~ before the date of ~~((said))~~ the hearing. Also, the ~~((board))~~ county legislative authority shall serve by mail, at least ten days before ~~((such))~~ the hearing, upon the commissioner of public lands of the state two copies of the published notice of ~~((such))~~ the hearing together with a statement showing the amount of benefits determined by the appraisers in respect of each parcel of state, school, granted, or other lands owned by the state in ~~((such))~~ the district, and shall similarly serve notice of ~~((such))~~ the hearing upon the ~~((director of highways))~~ secretary of transportation, with a statement showing the amount of benefits determined by the appraisers in respect of any state primary or secondary highways within the district.

Sec. 379. Section 177, chapter 72, Laws of 1937 and RCW 86.09.529 are each amended to read as follows:

Assessments charged to any city, town, county, or subdivision thereof shall be paid from any fund of ~~((said))~~ the city, town, county, or subdivision, as ~~((the))~~ its governing body ~~((thereof shall))~~ determines. Assessments charged on account of benefits to state highways shall be approved by the ~~((state director of highways))~~ secretary of transportation and shall be paid from the state motor vehicle fund.

Sec. 380. Section 1, chapter 303, Laws of 1959 and RCW 87.03.810 are each amended to read as follows:

Whenever lands situated in an irrigation district are acquired by the ~~((state department of highways))~~ department of transportation, and ~~((such))~~ the lands, at the time of their acquisition by the ~~((state department of highways))~~ department of transportation, were irrigable and were being served or were capable of being served by facilities of the district to the same extent and in the same manner as lands of like character held under private ownership were served, the ~~((state department of highways))~~ department of transportation, as part of the cost and expense of the acquisition of rights of way and with funds available for ~~((such))~~ the acquisition and at the time of ~~((such))~~ the acquisition, shall make a lump sum payment to the irrigation district in an amount that is:

(1) Sufficient to pay the pro rata share of the district's bonded indebtedness, if any, and the pro rata share of the district's contract indebtedness to the United States or to the state of Washington, if any, allocable to ~~((such))~~ the lands, plus interest on ~~((said))~~ the pro rata share ~~((in the event said))~~ if the indebtedness is not callable in advance of maturity; and

(2) Further, sufficient to pay any deferred installments of local improvement district assessments against ~~((such))~~ the lands, if any; and

(3) Further, sufficient to produce, if invested at an annual rate of interest equivalent to that set forth in current tables issued by the state insurance commissioner, a sum of money equal to the annual increase in operation and maintenance costs against remaining lands in the district resulting from the severance from the district of the lands thus acquired by

the ~~((state department of highways))~~ department of transportation. For the purposes of determining the amount of ~~((said))~~ the lump sum payment, the annual maintenance and operation assessment of the district shall be considered to be the average for the ten years, or so many years as the district has assessment experience(;) if less than ten years, preceding the date of acquisition.

Sec. 381. Section 2, chapter 303, Laws of 1959 and RCW 87.03.815 are each amended to read as follows:

Upon the department of transportation making ~~((by the state department of highways of))~~ the lump sum payment to the district ~~((pursuant to))~~ under RCW 87.03.810, the district ~~((thereupon))~~ shall make and enter an order relieving ~~((such))~~ the lands from further district assessments for the delivery of water to ~~((said))~~ the lands.

Sec. 382. Section 1, chapter 174, Laws of 1955 and RCW 88.28.055 are each amended to read as follows:

The ~~((Washington state highway commission is hereby authorized))~~ department of transportation may for highway purposes ~~((to))~~ close off by fill or embankment all water transportation on Camas Slough, a part of the Columbia River extending from a point of land at the confluence of the left bank of the Washougal River and the right bank of the Columbia River to the land on Lady Island with the axis or center line of the embankment being more particularly described as a line bearing south seventy-six degrees (76°), fifty-one and one-half minutes (51 1/2') west from a point; said point being located on the line between section 11 and section 14 and distant approximately 520 feet westerly from the corner common to sections 11, 12, 13 and 14, all situate in township 1 north, range 3 east, W.M. ~~((PROVIDED, There shall be constructed))~~ The department shall construct in ~~((such))~~ the fill, at or near the channel of ~~((said))~~ the slough, an opening of sufficient dimensions to allow normal flow of water during the low water period or such opening as may be required or approved by the Corps of Engineers, United States Army.

Sec. 383. Section 2, chapter 33, Laws of 1951 and RCW 88.32.250 are each amended to read as follows:

~~((Such))~~ The joint participation shall be ~~((pursuant to))~~ under a contract in writing made in the names of ~~((such))~~ the county, port district, and city, ~~((pursuant to))~~ under ordinance or resolution ~~((which shall))~~ that provides the nature and extent of the work, the extent of the participation of the parties, the division of the costs, and method of payment ~~((, such))~~. The costs ~~((to))~~ shall be paid from any funds of the county, city, or port district ~~((as may be))~~ designated in ~~((such))~~ the contract.

The control and direction of the work shall be under a joint board ~~((to))~~ consisting of one or more representatives of each party to the contract, as may be agreed upon by the parties(;). The representatives of the

respective parties ~~((to))~~ shall be appointed by the governing body of the respective parties. The joint board shall employ such help and services as may be required and fix the compensation to be paid for ~~((such))~~ the services. The joint board shall consult with the corps of engineers, department of the army, and with the state ~~((director of highways))~~ secretary of transportation and the state director of ~~((conservation and development))~~ ecology in furtherance of federal and state of Washington interests in the purposes of RCW 88.32.240 and 88.32.250.

Sec. 384. Section 4, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of ~~((regulations))~~ rules. ~~((Prior to))~~ Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If ~~((the same))~~ it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for three consecutive weeks ~~((prior to))~~ before the hearing. ~~((Said))~~ The notice shall include the following:

- (1) The name of the stream, lake, or other water source under consideration(-);
- (2) The proposed levels or flows to be established, if the department has made ~~((such))~~ a determination ~~((prior to))~~ before the hearing(-);
- (3) The place and time of the hearing(-);
- (4) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, and natural resources, the game commission, and the ~~((state highway commission and the water pollution control commission))~~ department of transportation.

Sec. 385. Section 1, chapter 202, Laws of 1927 as amended by section 1, chapter 154, Laws of 1929 and RCW 90.28.010 are each amended to read as follows:

The ~~((state highway committee shall have power to, and in its sole discretion))~~ department of transportation may, in its sole discretion, grant to any person or corporation the right, privilege, and authority to perpetually back and hold the waters of any lake, river, stream, slough, or other body of water, upon or over any state, county, or permanent highway or road, or any street or alley within the limits of any town or city of the fourth class, or any part thereof, and overflow and inundate the same whenever the ~~((supervisor of water resources shall))~~ director of ecology deems it necessary for

the purpose of erecting, constructing, maintaining, or operating any water power plant, reservoir, or works for impounding water for power purposes, irrigation, mining, or other public use and shall so certify to the ~~((state highway committee))~~ department of transportation. The decision of the ~~((state highway committee))~~ department of transportation, in the absence of bad faith, arbitrary, capricious, or fraudulent action, ~~((shall be))~~ is conclusive. But ~~((no such))~~ the right shall not be granted until it ~~((shall have))~~ has been heretofore or ~~((shall be))~~ is hereafter determined in a condemnation suit instituted by ~~((said))~~ the person or corporation desiring to obtain ~~((such))~~ the right or rights in the county wherein is situated that part of ~~((said))~~ the road, highway, street, or alley so to be affected that the use for which ~~((said))~~ the grant is sought is a public use, nor until there ~~((shall be))~~ is filed with the clerk of the court in which the order or decree of public use was entered a bond or undertaking signed by the person or corporation seeking the grant, executed by a surety company authorized to do business in this state, conditioned to pay all costs and expenses of every kind and description connected with and incident to the relocation and reconstruction of any such highway, road, street, or alley, the same to be of substantially the same type and grade of construction as that of the highway, road, street, or alley to be overflowed or inundated, including any such relocation, reconstruction, and maintenance costs and expenses as may arise within a period of eighteen months after ~~((such))~~ the new highway, road, street, or alley ~~((shall have))~~ has been opened(;) in its entirety(;) to public travel, and also including any and all damages for which the state, county, city, or town may be liable because of the vacation of any such highway, road, street, or alley and the relocation thereof in the manner provided herein and to save harmless the state, county, city, or town from the payment of the same or any part thereof. ~~((Such))~~ The bond shall be in a penal sum of double the estimated amount of the expenses, costs, and damages referred to above(~~-, such estimate~~). In the case of a state highway ((to)) the estimate shall be made by the ((state highway committee,)) department of transportation. In case of a county road or permanent highway(, to) the estimate shall be made by the ((board of)) county ((commissioners)) legislative authority, and in the case of a street or alley of a town or city of the fourth class(, to) the estimate shall be made by the city or town council ((thereof)). ((Said)) The bond shall be approved by the ((state highway committee)) department of transportation when the road to be affected ((shall be)) is a state highway, and in all other cases by a judge of the superior court in which the order or decree of public use was entered. In ((such)) the condemnation suit the state of Washington shall be made a party defendant when the road affected ((shall be)) is a state highway(,);. If the road ((shall be)) is a county road or permanent highway the county in which ((said)) the road or permanent highway is situated shall be made a party defendant, and when any street or alley in any town or city of the

fourth class ~~((shall be))~~ is affected ~~((such))~~ the city or town shall be made a party defendant. Any person or corporation may acquire the right to overflow as against the owner of the fee in any such highway, road, street, or alley by making the owner of ~~((such))~~ the fee~~(;)~~ or of any part thereof~~(;)~~ a party defendant in the condemnation suit provided for herein~~(;)~~; or by instituting a separate condemnation suit against any such owner~~(;)~~; The damages sustained by any such owner as a result of the overflow of any such highway, road, street, or alley ~~((to))~~ shall be determined as in other condemnation cases, separate and apart from any damage sustained by the state, county, city, or town.

Sec. 386. Section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140 are each amended to read as follows:

(1) ~~((No))~~ A development shall not be undertaken on the shorelines of the state ~~((except those which are))~~ unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, ~~((regulations))~~ rules, or master program.

(2) ~~((No))~~ A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and ~~((regulations))~~ rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) The local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

~~((Such))~~ The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit ~~((such))~~ the comments or ~~((such))~~ requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. The local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for ~~((such))~~ the order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at ~~((such))~~ the hearing.

(5) ~~((Such))~~ The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if ~~((such))~~ the proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of ~~((highways))~~ transportation, for the construction and modification of the SR 90 (1-90) bridges across Lake Washington, ~~((such))~~ the construction may begin after thirty days from the date of filing;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to ~~((the provisions of))~~ chapter 34.04 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the

permittee to begin ~~((such))~~ the construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if ~~((such))~~ the alteration is ultimately ordered by the courts~~((:PROVIDED, That))~~. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether ~~((such))~~ the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate ~~((shall be))~~ is on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1) ~~((as now or hereafter amended))~~, the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to ~~((the provisions of))~~ chapter 34.04 RCW;

If a permittee begins construction pursuant to subsections (a), (b), or (c) of this subsection, ~~((such))~~ the construction ~~((shall begin))~~ is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee ~~((shall be))~~ is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ruling on an application for a permit under the authority of this section, whether it ~~((be))~~ is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein ~~((shall))~~ means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" ~~((shall))~~ means the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the



local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section (~~shall~~) have the burden of proving that a proposed substantial development is consistent with the criteria (~~which~~) that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2) (~~as now or hereafter amended~~), the person requesting the review (~~shall have~~) has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. (~~In the event~~) If the department is of the opinion that (~~such~~) noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that (~~such~~) the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of (~~such~~) the permit upon written notice of (~~such~~) the petition to the local government and the permittee (~~:- PROVIDED, That~~) if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) (~~No~~) A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government (~~prior to~~) before April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and

(b) The development is completed within two years after (~~the effective date of this chapter~~) June 1, 1971.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and (~~prior to~~) before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred (~~prior to~~) before June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

NEW SECTION. Sec. 387. RCW 47.56.260, 47.56.261, 47.56.274, 47.56.275, 47.56.276, 47.56.277, 47.56.278, 47.56.281, 47.56.283, 47.56.285, 47.61.120, 47.65.060, and 47.65.080 are each hereby decodified.

NEW SECTION. Sec. 388. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.649;

(2) Section 4, chapter 272, Laws of 1975 1st ex. sess. and RCW 47.20.651;

(3) Section 34, chapter 83, Laws of 1967 ex. sess., section 5, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.280;

(4) Section 6, chapter 278, Laws of 1961 and RCW 47.56.027;

(5) Section 7, chapter 278, Laws of 1961 and RCW 47.56.029;

(6) Section 47.56.570, chapter 13, Laws of 1961 and RCW 47.56.570;

(7) Section 47.65.091, chapter 13, Laws of 1961 and RCW 47.65.091;

and

(8) Section 37, chapter 165, Laws of 1947 and RCW 47.68.910.

NEW SECTION. Sec. 389. 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 January 19, 1984.

Passed the Senate February 13, 1984.

Approved by the Governor February 20, 1984.

Filed in Office of Secretary of State February 20, 1984.

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## CHAPTER 8

[Engrossed Substitute House Bill No. 1435]

### CONSOLIDATION OF TWO NONCHARTER CODE CITIES AND ONE FIRST CLASS CITY—PETITION AND ELECTION PROVISIONS—GOVERNMENT FORMATION

AN ACT Relating to consolidation of cities; amending section 2, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.211; adding a new section to chapter 35A.05 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 35A.05 RCW a new section to read as follows:

A consolidation of two noncharter code cities and one first class city, where each of the three cities has a council-manager plan or form of government, shall conform with the provisions of this section.

(1) Such a consolidated city shall have a council-manager plan of government with the number of council members as provided in this section. The interim council members shall not be elected as provided in RCW