

CHAPTER 210

[Engrossed Substitute Senate Bill No. 2748]

TRANSPORTATION AGENCIES--
POWERS AND DUTIES--STUDIES--
APPROPRIATION

AN ACT Relating to transportation; describing powers and duties of transportation agencies; providing for transportation studies; adding new sections to chapter 44.40 RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby authorized to consider the following subjects of study and such other related subjects as it or they deem appropriate, and report its or their findings and recommendations in connection therewith not later than the convening of the 1975 regular legislative session:

(1) Establishing organizational and policy guidelines for the review of state-wide transportation needs, the interrelationship of all transportation needs and the development and implementation of a state-wide transportation plan;

(2) A review of the energy crisis problem and its implication with respect to long range transportation planning, and utility planning related to transportation;

(3) The relationship between the environment and transportation improvements including an analysis of land use patterns and the costs and benefits of environmental impact statements;

(4) A reevaluation of priority programming criteria including the feasibility of adding short and long-term social, economic, and environmental cost/benefit considerations.

(5) Feasibility of integrating the Puget Sound reserve, capital construction and ferry operations accounts into a single account or integrating ferry system needs and funding with that of highways;

(6) An analysis of alternative state funding methods with respect to providing for a balanced and adequate transportation system taking into consideration the direction of federal funding;

(7) Development of a simplified fee structure for the highway safety fund or consolidation of said fund with the motor vehicle fund;

(8) A review of the purposes, policies, procedures, and utilization of the highway equipment fund;

(9) Analysis of alternative financing methods for railroad grade crossing protection;

(10) Develop methods for determining priorities among high accident locations including railroad grade crossings in cooperation with the state highway commissioners, and utilities and transportation commissioners;

(11) Develop a pilot project in planning, programming, and budgeting improvement through the development of an interagency traffic safety program in cooperation with transportation agencies and the office of program planning and fiscal management;

(12) The concept of a scenic and recreational highway system considering the provisions of section 8, chapter 195, Laws of 1971 ex. sess. and senate bill 2539 (1973 legislative session);

(13) A continuing analysis of methods to recover for transportation purposes a portion of the increased land values resulting from transportation improvements;

(14) A continuing analysis of the relationship between traffic patrol manpower levels and accidents on state highways and county roads;

(15) An evaluation of alternatives to court adjudication of traffic violations such that the quality and timeliness of both traffic and nontraffic violation judgments may be improved and accelerated;

(16) A continuing review of traffic safety activities and state compliance with federal standards, in general, and effective methods and procedures of implementing and operating a state-wide annual vehicle safety and emission control inspection program;

(17) An investigation to determine a feasible and acceptable procedure for mandatory physician reporting of diagnosed disabilities and conditions tending to create a threat or hazard to the individual and/or the motoring public if unrestricted licensing for motor vehicle operation is granted;

(18) A cost/benefit analysis relating to the acquisition, installation, and operation of on line video display terminals for high density courts which would permit direct and immediate driver record and status look-up capability via the department of motor vehicles driver records computer;

(19) Through stratified representative sampling procedures establish just and equitable customer service guidelines (i.e., time and travel distance) for the examination of license applicants and issuance of vehicle operators licenses;

(20) Feasibility and desirability of establishing a separate assistant directorship for right of way activities in cooperation with the department of highways;

(21) Establish policies and guidelines for biennial highway

commission review of highway, street and road sections with respect to whether such sections should be added to or deleted from the state highway system;

(22) Review procedures now required to dispose of surplus real property and possible improvements in such procedures;

(23) Comparison of compensation practices of the state patrol for commissioned personnel with those of other law enforcement agencies;

(24) The desirability and feasibility of regulating signing adjacent to public highways taking into consideration the provisions of senate bills 2209 and 2434 and house bill 289 (1973 legislative session);

(25) Analysis of highway conditions which may justify raising or lowering traffic speeds taking traffic safety and existing studies into consideration, and the feasibility of utilizing electronic variable speed control devices in heavy traffic corridors;

(26) Review of traffic offense penal system, including attitudes and effectiveness;

(27) Feasibility and desirability of installation of emergency public telephone service along public highways in cooperation with the state highway commission;

(28) An evaluation of the need for additional regulation of the visibility of bicycles for safety purposes;

(29) A reevaluation of the functional classification criteria including the feasibility of classifying by function by assessment of percentages of each of the following types of trips:

(a) home-to-work;

(b) commodities movement (including farm to market);

(c) defense, military, emergency;

(d) recreation; and a reevaluation of the criteria for selection of specific projects for priority of construction within each functional class;

(30) Analysis of equity of aviation fuel excise tax provisions, particularly as they relate to third level air carriers and air travel clubs.

(31) Alternative courses of action to reduce and control air pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(32) Alternative courses of action to reduce and control noise pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(33) Desirability and feasibility of establishing a transportation research center taking into consideration costs and

benefits, such centers in other states, and state and federal funding sources;

(34) An analysis of the transportation planning process used by cities and counties, including the effects of state requirements thereon, and the adequacy of local planning procedures in meeting the objectives of state planning requirements;

(35) A feasibility study of providing water transportation for commuter foot passengers within the Lake Washington-Lake Union area, including the provision of appropriate terminal facilities and coordination with land transportation facilities;

(36) Evaluation of state highway landscaping practices with respect to safety and beautification purposes.

NEW SECTION. Sec. 2. There is added to chapter 3, Laws of 1963 ex. sess. and chapter 44.40 RCW a new section to read as follows:

Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation and utilities committees during periods when the legislative transportation committee is not appointed.

NEW SECTION. Sec. 3. There is added to chapter 3, Laws of 1963 ex. sess. and chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this 1973 act;

V- it or they may act for the state in the initiation of or participation in any multigovernmental agency program relative to transportation planning, programming, or budgeting, or other purposes of this chapter; and it or they may enter into contracts to receive federal or other fund grants or gifts. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

NEW SECTION. Sec. 4. There is added to chapter 44.40 RCW a new section to read as follows:

The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and

guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to the convening of the 1975 regular legislative session.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to conduct the study. The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose.

NEW SECTION. Sec. 5. The legislative transportation committee and/or the senate and house transportation and utilities committees and the state highway commission may jointly consider the following proposed highway additions or improvements by undertaking appropriate studies and surveys as may be necessary to evaluate their merits, said studies to be completed prior to September 1, 1974:

(1) A realignment of state route 104 east of Interstate 5 generally along the Snohomish-King county line;

(2) Traffic and safety improvements required on highways adjacent to ports of entry along the Canadian border as provided in Senate Resolution 1972-42;

(3) Alternative corridors to proposed north-south Spokane freeway including social impact and cost/benefit analysis.

NEW SECTION. Sec. 6. The department of motor vehicles in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby directed to study the feasibility and desirability, both departmental and public, of implementing a staggered vehicle licensing system. A report including recommendations shall be made to the legislature not later than the convening of the 1975 regular legislative session.

NEW SECTION. Sec. 7. The legislative transportation committee or the standing transportation and utilities committees of the senate and house are hereby authorized to make available \$20,000 or so much thereof as may be necessary to the western conference of the council of state governments. Such funds will be made available for use by its subcommittee on short haul air transportation only in the event that the subcommittee is continued by at least seven participating states and that it is evident that federal funds have been secured through the department of transportation for continuation of the short haul air transportation study under the auspices of the western conference of the council of state

governments. In the event that the said conference obtains sufficient state and federal funds for continuation of the short haul air transportation study, the state of Washington will be the administrator of the funds for the participating states according to the procedures prescribed by the office of the attorney general.

There is hereby appropriated from the aeronautics account of the general fund the sum of \$20,000 to carry out the provisions of this section.

NEW SECTION. Sec. 8. The department of highways, in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees, is directed to communicate with all appropriate state agencies and other governmental officials concerning the development of a quad-city airport to serve the cities of Pullman and Clarkston, Washington, and Lewiston and Moscow, Idaho, and to determine the effect such development may have on the priority for construction of SR 193 from Clarkston to Colton.

NEW SECTION. Sec. 9. The legislative transportation committee and/or the senate and house transportation and utilities committees, in conjunction with the department of highways, are authorized to consult with the transportation agencies of the states, counties and cities affected, as well as the Columbia Region Association of Governments, and private transportation companies, with respect to the interstate transportation needs of the Vancouver/Portland area and alternative solutions thereto. The committee(s) are further authorized to apply for and receive federal funding and support of said study, and to negotiate with affected governmental units to obtain such matching funds as may be required.

NEW SECTION. Sec. 10. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 26, 1973, with the exception of one item in Section 3 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to one item, Engrossed Substitute Senate Bill No. 2748, entitled:

Veto
Message

"AN ACT Relating to transportation; describing

powers and duties of transportation agencies; providing for transportation studies; adding new sections to Chapter 44.40 RCW; making an appropriation; and declaring an emergency." Veto
Message

This bill authorizes interim studies of various transportation related issues by the Legislative Transportation Committee and/or the Senate and House Transportation and Utilities Committees.

Section 3 of the bill authorizes these committees to enter into contracts on behalf of the state to carry out the purposes of the act. In addition, section 3 provides that the committees "may act for the state in the initiation of or participation in any multi-governmental agency program relative to transportation planning, programming or budgeting, or other purposes of this chapter."

I have determined to veto that item in section 3 quoted above. There are both policy and, in some circumstances, constitutional objections to a legislative committee having the authorization to act for the state in multi-governmental programs. Such federal-state-local governmental arrangements clearly involve executive functions and for a legislative committee to be contracting for the state in such matters would clearly violate the traditional limits of the separation of powers between the legislative and executive branches of government.

With the exception of the described item in section 3, the remainder of the bill is approved."

CHAPTER 211

[Substitute House Bill No. 993]

FLAMMABLE FABRICS ACT

AN ACT Relating to flammable fabrics; adding a new chapter to Title 70 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. This chapter may be known and cited as the "Flammable Fabrics Act".

NEW SECTION. Sec. 2. The legislature hereby finds and declares that fabric related burns from children's sleepwear present