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**SUBSTITUTE HOUSE BILL 1403**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Transportation (originally sponsored by Representatives Williams, DeBolt, Rolfes, Hinkle, Upthegrove, Blake, Moeller, Newhouse, Takko, Green, Walsh, Short, Haler, Kelley, Hurst, Van De Wege, McCune, Kristiansen, Condotta, Warnick, Hunt, Goodman, Johnson, Simpson, and Sullivan)

READ FIRST TIME 02/23/09.

1       AN ACT Relating to vehicle-activated traffic control signals;  
2 adding a new section to chapter 47.36 RCW; and creating a new section.

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

4       NEW SECTION.   **Sec. 1.** The legislature finds and declares that it  
5 is the policy of the state of Washington to provide for the safe and  
6 efficient use of public roads and highways by all types of vehicles  
7 that are authorized to use these roads and highways. In furtherance of  
8 this policy, the legislature finds that many existing vehicle-activated  
9 traffic control signals are operated or installed in a manner that does  
10 not allow for the routine and reliable detection of motorcycles and  
11 bicycles necessary for signal change. It is the policy of the  
12 legislature that this problem be avoided in all new and substantially  
13 upgraded vehicle-activated traffic control signals and that existing  
14 vehicle-activated traffic control signals be operated to detect  
15 motorcycles and bicycles where currently capable consistent with safe  
16 traffic control.

17       NEW SECTION.   **Sec. 2.** A new section is added to chapter 47.36 RCW  
18 to read as follows:

1 (1) For the purposes of this section:

2 (a) "Arterial" means a public road or highway that is designated or  
3 qualifies as a principal or minor arterial under a state or local law,  
4 ordinance, regulation, or plan.

5 (b) "Bicycle" means a human-powered vehicle with metallic wheels at  
6 least sixteen inches in diameter or with metallic braking strips and  
7 metallic components, not necessarily including the frame or fork, which  
8 may be lawfully ridden on a public road or highway.

9 (c) "Bicycle route" means a route (i) that is designated as a route  
10 for bicycle use in a state or local law, ordinance, rule, or plan, or  
11 (ii) that provides bicycle access to urban areas that are not  
12 reasonably and conveniently accessible through other bicycle routes.  
13 The level of existing or projected use by bicyclists is a factor to  
14 consider in determining whether a bicycle route provides access that is  
15 not reasonably and conveniently available from other bicycle routes.  
16 An intersection that provides necessary linkages in a bicycle route or  
17 between routes is considered a part of the bicycle route or routes.

18 (d) "Design complete" means that all major design work for a new  
19 vehicle-activated traffic control signal has been completed and that  
20 the funding necessary for complete construction of the vehicle-  
21 activated traffic control signal has been firmly secured.

22 (e) "Existing vehicle-activated traffic control signal" means a  
23 vehicle-activated traffic control signal that is in use or design  
24 complete on or before the effective date of this section.

25 (f) "Motorcycle" means a motor vehicle (i) designed to travel on  
26 not more than three wheels in contact with the ground, (ii) ridden by  
27 a driver astride the motor unit or power train, (iii) designed to be  
28 steered with a handle bar, and (iv) capable in its present condition of  
29 being lawfully operated on a public road or highway.

30 (g) "Restricted right turn lane" means a right turn only lane where  
31 a right turn is not allowed after stopping but only upon a green  
32 signal.

33 (h) "Routinely and reliably detect motorcycles and bicycles" means  
34 that the detection equipment at a vehicle-activated traffic control  
35 signal is capable of detecting and will reliably detect a motorcycle or  
36 bicycle (i) when the motorcycle or bicycle is present immediately  
37 before a stop bar or crosswalk in the center of a lane at an

1 intersection or road entrance to such an intersection, or (ii) when the  
2 motorcycle or bicycle is present at marked detection areas.

3 (i) "Vehicle-activated traffic control signal" means a traffic  
4 control signal on a public road or highway that detects the presence of  
5 a vehicle as a means to change a signal phase.

6 (2) During routine maintenance or monitoring activities, but  
7 subject to the availability of funds appropriated for this specific  
8 purpose:

9 (a) All existing vehicle-activated traffic control signals that do  
10 not currently routinely and reliably detect motorcycles and bicycles  
11 must be adjusted to do so to the extent that the existing equipment is  
12 capable consistent with safe traffic control. Priority must be given  
13 to existing vehicle-activated traffic control signals for which  
14 complaints relating to motorcycle or bicycle detection have been  
15 received and existing vehicle-activated traffic control signals that  
16 are otherwise identified as a detection problem for motorcyclists or  
17 bicyclists, or both. Jurisdictions operating existing vehicle-  
18 activated traffic control signals shall establish and publicize a  
19 procedure for filing these complaints in writing and by e-mail, and  
20 maintain a record of these complaints and responses to them until all  
21 existing vehicle-activated traffic control signals within its  
22 jurisdiction routinely and reliably detect motorcycles and bicycles;  
23 and

24 (b) Where motorcycle and bicycle detection is limited to certain  
25 areas other than immediately before the stop bar or crosswalk in the  
26 center of a lane at an existing vehicle-activated traffic control  
27 signal, those detection areas must be clearly marked on the pavement at  
28 left turn lanes, through lanes, and limited right turn lanes. These  
29 detection areas must also be marked to allow a bicyclist to leave a  
30 bicycle lane to enter a detection area, if necessary, to cross an  
31 intersection. Pavement markings must be consistent with the standards  
32 described in the state of Washington's "Manual on Uniform Traffic  
33 Control Devices for Streets and Highways" obtainable from the  
34 department of transportation.

35 (3)(a) If at least a substantial portion of detection equipment at  
36 an existing vehicle-activated traffic control signal on an arterial or  
37 bicycle route is scheduled to be replaced or upgraded, the replaced or  
38 upgraded detection equipment must routinely and reliably detect

1 motorcycles and bicycles. For purposes of this subsection (3)(a),  
2 "substantial portion" means that the proposed replacement or upgrade  
3 will cost more than twenty percent of the cost of full replacement or  
4 upgraded detection equipment that would routinely and reliably detect  
5 motorcycles and bicycles.

6 (b) If at least a substantial portion of detection equipment at an  
7 existing vehicle-activated traffic control signal on a public road or  
8 highway that is not an arterial or bicycle route is scheduled to be  
9 replaced or upgraded, the replaced or upgraded detection equipment must  
10 routinely and reliably detect motorcycles and bicycles. For purposes  
11 of this subsection (3)(b), "substantial portion" means that the  
12 proposed replacement or upgrade will cost more than fifty percent of  
13 the cost of full replacement or upgraded detection equipment that would  
14 routinely and reliably detect motorcycles and bicycles.

15 (4) All vehicle-activated traffic control signals that are design  
16 complete and put in operation after the effective date of this section  
17 must be designed and operated, when in use, to routinely and reliably  
18 detect motorcycles and bicycles, including the detection of bicycles in  
19 bicycle lanes that cross an intersection.

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