
SENATE BILL 5086

State of Washington

63rd Legislature

2013 Regular Session

By Senators Benton, Roach, Holmquist Newbry, Sheldon, Dammeier, and Carrell

Read first time 01/17/13. Referred to Committee on Transportation.

1 AN ACT Relating to safety rest areas; amending RCW 47.12.125 and
2 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that collaborative
6 transportation partnerships supplement state transportation revenues
7 and allow the state to use its limited resources for a greater number
8 of transportation projects. The legislature further finds that
9 additional safety rest area sites would benefit the traveling public
10 and contribute to the economic development of nearby communities.
11 Therefore, the legislature directs the department of transportation to
12 pursue a joint safety rest area demonstration project.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.38 RCW
14 to read as follows:

15 (1) The secretary or the secretary's designee shall solicit
16 proposals from private and nonprofit entities for a joint safety rest
17 area demonstration project. To implement the demonstration project the

1 secretary or designee shall negotiate and enter into agreements with
2 private or nonprofit entities to provide safety rest area services.

3 (2) Each proposal for the demonstration project must be limited to
4 a specific site that does not currently have a safety rest area. Each
5 proposal will be weighed on its own merits. If an agreement is
6 selected, the agreement must be negotiated as a site specific project.
7 Proponents may submit more than one proposal.

8 (3) The department may enter into an agreement with a private or
9 nonprofit entity if it determines that the proposal is in the public
10 interest, will not impair the safety or operation of the highway or
11 interfere with the free and safe flow of traffic, and is consistent
12 with the access control standards. At a minimum, the department shall
13 include the following requirements in the agreement:

14 (a) If the department grants access rights or leases property to
15 the proponent, the proponent shall provide fair market value
16 consideration to the department;

17 (b) If the project involves property owned by the department, the
18 department and the proponent shall enter into a lease agreement under
19 RCW 47.12.120 for the use of the property;

20 (c) The proponent shall provide safety rest area service to meet
21 department requirements, at no cost to the department, as negotiated in
22 the agreement;

23 (d) The proponent shall negotiate with the department of services
24 for the blind to provide vending machines at the demonstration project;
25 and

26 (e) The proponent must allow the department's volunteer refreshment
27 program to operate at the safety rest area.

28 (4) The term of the agreement may not exceed twenty years.

29 (5) All revenues received under the terms of the agreement for the
30 demonstration project must be placed in the motor vehicle fund. The
31 department shall provide an initial report to the transportation
32 committees of the house of representatives and the senate by December
33 1, 2014, and annually thereafter, on the status of the project and
34 revenues received from the project.

35 **Sec. 3.** RCW 47.12.125 and 1999 c 94 s 15 are each amended to read
36 as follows:

37 All moneys paid to the state of Washington under any of the

1 provisions of RCW 47.12.120 shall be deposited in the department's
2 advance right-of-way revolving fund, except moneys that are subject to
3 federal aid reimbursement and moneys received from rental of capital
4 facilities properties, which shall be deposited in the motor vehicle
5 fund. Any moneys received from the demonstration project authorized in
6 section 2 of this act must be placed in the motor vehicle fund.

7 **Sec. 4.** RCW 47.12.244 and 2011 c 367 s 717 are each amended to
8 read as follows:

9 There is created the "advance right-of-way revolving fund" in the
10 custody of the treasurer, into which the department is authorized to
11 deposit directly and expend without appropriation:

12 (1) An initial deposit of ten million dollars from the motor
13 vehicle fund included in the department of transportation's 1991-93
14 budget;

15 (2) All moneys received by the department as rental income from
16 real properties that are not subject to federal aid reimbursement,
17 except moneys received from rental of capital facilities properties
18 (~~as defined in chapter 47.13 RCW~~). Any moneys received from the
19 demonstration project authorized in section 2 of this act must be
20 placed in the motor vehicle fund; and

21 (3) Any federal moneys available for acquisition of right-of-way
22 for future construction under the provisions of section 108 of Title
23 23, United States Code.

24 During the 2009-2011 and 2011-2013 fiscal biennia, the legislature
25 may transfer from the advance right-of-way revolving fund to the motor
26 vehicle account amounts as reflect the excess fund balance of the
27 advance right-of-way revolving fund.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.38 RCW
29 to read as follows:

30 The department shall request a waiver from the federal highway
31 administration for complying with 23 U.S.C. Sec. 111 regarding the use
32 of access to rights-of-way on the interstate highway system. The
33 department shall also seek a waiver from any federal regulations
34 prohibiting private entities from operating safety rest areas. The

1 waiver must be for both current and future safety rest areas.

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