

CHAPTER 75.

[ Substitute Senate Bill No. 358. ]

LIMITED ACCESS HIGHWAYS.

AN ACT relating to limited access highways; adding new sections to chapter 13, Laws of 1961 and to chapter 47.52 RCW; and repealing sections 47.52.072, 47.52.073, 47.52.074, 47.52.075, chapter 13, Laws of 1961 and RCW 47.52.072, 47.52.073, 47.52.074, 47.52.075, section 47.52.130, chapter 13, Laws of 1961 as amended by section 1, chapter 103, Laws of 1963 and RCW 47.52.130, section 47.52.140, chapter 13, Laws of 1961 as amended by section 2, chapter 103, Laws of 1963 and RCW 47.52.140.

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

New section.

SECTION 1. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Limited access highways.  
Establishment of facility by state—  
Consideration of data—  
Report to local authorities—  
Conferences—  
Proposed plan.

When the state highway commission is planning a limited access facility through a county or an incorporated city or town, the commission, or its staff, prior to 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 under consideration. Such 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 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 and presented to the county or city for inspection and study.

SEC. 2. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows: New section.

The highway authorities of the state, counties, and incorporated cities and towns, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city or town wherein the limited access facility is to be established, to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication to be not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city or town. Such notice

Establishment  
of facility—  
Public hearing  
—Notice.

by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

New section.

SEC. 3. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Limited access highways. Establishment of facility by state. Hearing procedure.

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof. The members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

SEC. 4. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing.

Adoption of plan—Service of findings and order—Resume to be published—Finality—Review.

SEC. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.52 RCW a new section to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city or town may notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final.

Approval by county, city or town upon receipt of findings and order—Disapproval, request for review.

In the event that a county, city or town does not approve the plan, the county, city or town shall file its disapproval in writing with the state highway commission within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the

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board. The request for hearing shall set forth the portions of the plan of the state highway commission to which the county, city or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190.

New section.

SEC. 6. There is added to chapter 47.52 RCW a new section to read as follows:

Review and  
appeal on  
petition of  
abutter.

An abutting property owner may petition for review in the superior court of the state of Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.04 RCW, as amended.

Repeal.

SEC. 7. Sections 47.52.072, 47.52.073, 47.52.074, 47.52.075, chapter 13, Laws of 1961 and RCW 47.52.072, 47.52.073, 47.52.074, 47.52.075, section 47.52.130, chapter 13, Laws of 1961 as amended by section 1, chapter 103, Laws of 1963 and RCW 47.52.130, section 47.52.140, chapter 13, Laws of 1961 as amended by section 2, chapter 103, Laws of 1963 and RCW 47.52.140 are each hereby repealed.

Passed the Senate March 19, 1965.

Passed the House March 25, 1965.

Approved by the Governor April 2, 1965.