AN ACT Relating to naming or renaming state transportation facilities; amending RCW 47.01.420; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that our state's transportation system forms the backbone of Washington's economy. The legislature further finds that declining transportation revenue has left the state unable to preserve the integrity of Washington's transportation facilities. Since 2001, revenues that support operations and maintenance of the system have declined by ten percent, while construction costs have risen seventy-seven percent. Decreasing revenue and increasing costs have forced the state to rely on toll revenue to fund large projects, placing a substantial burden on the residents who must use tolled facilities. These residents are facing large toll increases to meet the state's funding obligations on those large projects. As a result, the legislature intends to authorize the sale of naming rights of the state's transportation facilities to pay for the ongoing operations and maintenance of these facilities and, when appropriate, to fund future capital needs of these facilities.
The legislature further finds that the sale of naming rights is a policy supported by the federal highway administration which recently published a directive indicating that, "sponsorship opportunities benefit the traveling public with an improved transportation system by providing flexibility for public agencies to pursue innovative sources of financing for maintenance and construction activities and other highway-related services. With this additional revenue, public agencies have the means to provide services critical to enhancing safety and efficiency of the nation's highways."

Sec. 2. RCW 47.01.420 and 2007 c 33 s 1 are each amended to read as follows:

(1) The commission may name or rename state transportation facilities including, but not limited to: State highways; state highway bridges, structures, and facilities; state rest areas; and state roadside facilities, such as viewpoints. (The commission must consult with the department before taking final action to name or rename a state transportation facility.)

(2)(a) The department, state and local governmental entities, citizen organizations, and any person may initiate the process to name or rename a state transportation facility.

(b) For the commission to consider a naming or renaming proposal, the requesting entity or person must provide sufficient evidence, as determined by the commission, indicating community support and acceptance of the proposal. Evidence may include the following:

(i) Letters of support from state and federal legislators representing the impacted area encompassing the state transportation facility;

(ii) Resolutions passed by local, publicly elected bodies in the impacted area encompassing the state transportation facility;

(iii) Department support; or

(iv) Supportive actions by or letters from local organizations including, but not limited to, local chambers of commerce and service clubs.

(3) The commission must consult with the department before taking final action to name or rename a state transportation facility. After the commission takes final action in naming or renaming a state transportation facility, the commission shall record the name or new name of the facility and the date of its adoption in the state transportation commission records.
transportation facility, the department shall design and install the appropriate signs in accordance with state and federal standards.

(4)(a) As an alternative to the naming or renaming process under subsections (1) through (3) of this section and for requesting entities or persons willing to pay for such naming or renaming rights, the commission shall develop, set, and approve by rule the applicable fees and guidelines governing the naming and renaming of state transportation facilities as listed in subsection (1) of this section.

(b) The fees for naming or renaming any state transportation facility must exceed the costs associated with the naming or renaming of the state transportation facility.

(c)(i) Any fees collected for naming or renaming a tolled facility must be deposited into the toll facility account for that facility being named or renamed, and must only be used for the operations, maintenance, preservation, improvement, or future capital needs of that facility.

(ii) Any fees collected for naming or renaming any nontolled facility must be deposited into the motor vehicle account and be used only for highway purposes.

(d) The following content is not permitted when naming or renaming state transportation facilities under this subsection:

(i) Names that are obscene or indecent;

(ii) Names that are discriminatory;

(iii) Names that are religious;

(iv) Names that are political; and

(v) Names that describe or promote the following products, services, or other material:

(A) Tobacco, marijuana, and any illegal narcotic;

(B) Films rated "X" or "NC-17" and video games rated "A" or "M", or a similar rating under comparable industry standards;

(C) Adult content, including adult books, adult stores, adult internet web sites, adult telephone services, escort services, or any other adult entertainment establishment;

(D) Material that is false, fraudulent, deceptive, or is otherwise misleading to the average person; and

(E) Any material that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will incite
or produce imminent lawless action in the form of retaliation, vandalism, or other breach of public safety, peace, and order.

(e) The guidelines established under (a) of this subsection must determine the entity responsible for the installation and maintenance of signage resulting from the naming or renaming of a facility under this subsection.

(f) The commission must hold at least one public hearing and enable citizens to participate in the hearing or hearings remotely. After one or more public hearings, the commission must engage in formal rule making.

(g) By January 1, 2014, the commission must provide a report to the legislature regarding the guidelines developed under (a) of this subsection, the terms of any agreements entered into or contemplated that would authorize the sale of naming or renaming rights, and any other relevant issues.

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