
SENATE BILL 5690

State of Washington

54th Legislature

1995 Regular Session

By Senators Fairley, Swecker, Fraser, Owen and Quigley

Read first time 01/31/95. Referred to Committee on Transportation.

1 AN ACT Relating to public comment on significant roadside
2 activities; amending RCW 47.44.010; and adding a new section to chapter
3 47.32 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.32 RCW
6 to read as follows:

7 The department shall adopt rules providing for adequate public
8 notice to, and the opportunity for public comment from, the owners of
9 properties abutting the highway right of way before undertaking
10 significant roadside maintenance activities. If one or more owners
11 requests a public hearing, the department shall provide a public
12 hearing. The process shall seek public input before the activities are
13 accomplished. For the purpose of this section, significant maintenance
14 activities include but are not limited to, removal of large stands of
15 vegetation, recontouring of earth berms, or the removal or modification
16 of other natural or constructed noise barriers. Significant roadside
17 maintenance activities do not include emergency maintenance; critical
18 safety work, such as removal of trees that are an immediate threat to
19 the safety of the traveling public; mowing; and roadside cleanup.

1 **Sec. 2.** RCW 47.44.010 and 1980 c 28 s 1 are each amended to read
2 as follows:

3 The department of transportation may grant franchises to persons,
4 associations, private or municipal corporations, the United States
5 government, or any agency thereof, to use any state highway for the
6 construction and maintenance of water pipes, flume, gas, oil or coal
7 pipes, telephone, telegraph and electric light and power lines and
8 conduits, trams or railways, and any structures or facilities which are
9 part of an urban public transportation system owned or operated by a
10 municipal corporation, agency or department of the state of Washington
11 other than the department of transportation, and any other such
12 facilities. All applications for such franchise shall be made in
13 writing and subscribed by the applicant, and shall describe the state
14 highway or portion thereof over which franchise is desired and the
15 nature of the franchise. The department of transportation shall adopt
16 rules providing for notification of the owners of property abutting the
17 highway right of way including a description of the facility and
18 changes to the site occurring as a result of granting the franchise on
19 the right of way. The rules must provide for a hearing or an
20 opportunity for a hearing with reasonable public notice thereof with
21 respect to any franchise application involving the construction and
22 maintenance of utilities or other facilities within the highway right
23 of way which the department determines may (1) during construction,
24 significantly disrupt the flow of traffic or use of driveways or other
25 facilities within the right of way, or (2) during or following
26 construction, cause a significant and adverse effect upon the
27 surrounding environment including properties abutting the right of way.
28 A public hearing must also be called upon the request of the owner of
29 an abutting property.

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