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SENATE BILL 6500

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State of Washington

55th Legislature

1998 Regular Session

By Senators Jacobsen and Wood

Read first time 01/20/98. Referred to Committee on Transportation.

1 AN ACT Relating to a scenic byways designation program; amending  
2 RCW 47.39.010, 47.39.030, and 47.39.060; and adding new sections to  
3 chapter 47.39 RCW.

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

5 **Sec. 1.** RCW 47.39.010 and 1967 ex.s. c 85 s 1 are each amended to  
6 read as follows:

7 There is hereby created a scenic and recreational highway system.  
8 Highways in this system shall be developed and maintained in accordance  
9 with general standards for state highways of comparable classification  
10 and usage.

11 Recognizing that the Intermodal Surface Transportation Efficiency  
12 Act of 1991 establishes a national "scenic byway" program that could  
13 benefit state and local roadways, a Washington state scenic byway  
14 designation program is created. Byways in this program must be  
15 designated and maintained in accordance with the criteria developed by  
16 the department under this chapter. However, a highway so designated  
17 under section 4 of this act does not become part of the scenic and  
18 recreational highway system unless approved by the legislature.

1       **Sec. 2.** RCW 47.39.030 and 1984 c 7 s 207 are each amended to read  
2 as follows:

3       (1) The department shall pay from motor vehicle funds appropriated  
4 for construction of state highways, the following costs of developing  
5 and constructing scenic and recreational highways: (a) Acquisition of  
6 the right of way necessary for state highway purposes; (b) construction  
7 of the portion of the highway designed primarily for motor vehicle  
8 travel; (c) exit and entrance roadways providing access to scenic  
9 observation points; (d) safety rest areas; (e) roadside landscaping  
10 within the portion of the highway right of way acquired by the  
11 department for state highway purposes; (f) the uniform signs and  
12 markers designating the various features and facilities of the scenic  
13 and recreational highways; and (g) any additional costs of constructing  
14 and developing the scenic and recreational highways, including property  
15 acquisition adjacent to highways as authorized by RCW 47.12.250, for  
16 which the department shall receive reimbursement from the federal  
17 government or any other source.

18       (2) The parks and recreation commission shall pay the costs of  
19 developing and constructing the scenic and recreational highways not  
20 provided for in subsection (1) of this section from any funds  
21 appropriated for such purposes.

22       (3) The costs of maintaining the scenic and recreational highway  
23 system shall be allocated between the department and the parks and  
24 recreation commission in the same manner that costs of developing and  
25 constructing such highways are allocated in subsections (1) and (2) of  
26 this section.

27       (4) The city, town, county, regional transportation planning  
28 organization, federal agency, federally recognized tribe, or any other  
29 such party that nominates a roadway not located on a state-owned right  
30 of way for designation as a scenic byway shall bear all costs relating  
31 to the nomination and designation of the byway, such as costs for  
32 developing, maintaining, planning, designing, and constructing the  
33 scenic byway.

34       **Sec. 3.** RCW 47.39.060 and 1984 c 7 s 209 are each amended to read  
35 as follows:

36       The department and the parks and recreation commission shall on any  
37 maps, or in any relevant descriptive material they may prepare at state  
38 expense, include reference to those portions of highways designated in

1 RCW 47.39.020 and may include those designated byways by appropriate  
2 color or code designation.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.39 RCW  
4 to read as follows:

5 (1) The department, in consultation with the department of  
6 community, trade, and economic development, the department of natural  
7 resources, the parks and recreation commission, affected cities, towns,  
8 and counties, federally recognized tribes, regional transportation  
9 planning organizations, state-wide bicycling organizations, and other  
10 interested parties, shall develop by December 31, 1998, criteria for  
11 assessing scenic byways and local and regional byways and an  
12 appropriate method of nomination and application for the designation  
13 and removal of the designation of the byways. Factors the department  
14 may take into consideration, but is not limited by, are: (a) Scenic  
15 quality of the byway; (b) natural aspects, such as geological  
16 formations, water bodies, vegetation, and wildlife; (c) historic  
17 elements; (d) cultural features such as crafts, music, customs, or  
18 traditions of a distinct group of people; (e) archaeological features;  
19 (f) recreational activities; (g) roadway safety including  
20 accommodations for bicycle and pedestrian travel, tour buses, and  
21 automobiles; and (h) scenic byway and local and regional byway  
22 management plans.

23 (2) Any person may nominate a roadway, path, or trail for inclusion  
24 in the scenic byway program. The department shall assess nominations  
25 in accordance with the criteria developed under subsection (1) of this  
26 section. The department shall submit its recommendations for scenic  
27 byway and local and regional byway designations to the commission for  
28 its approval and official designation of the roadway, path, or trail as  
29 a scenic byway or a local and regional byway. All decisions made by  
30 the commission relating to scenic byway and local and regional byway  
31 designations are final.

32 (3) Once the commission has designated a roadway as a scenic byway,  
33 the department may submit an individual nomination to the Federal  
34 Highway Administration for its consideration of whether the roadway  
35 qualifies to be designated as a national scenic byway or an all-  
36 American roadway.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 47.39 RCW  
2 to read as follows:

3        The department shall develop a scenic byway management plan for a  
4 state highway nominated to be part of the scenic byway program. Local,  
5 regional, or other governmental bodies shall develop a scenic byway  
6 management plan for nominated scenic byways that are under their  
7 jurisdiction.

8        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 47.39 RCW  
9 to read as follows:

10        (1) The commission may remove the designation of a byway if the  
11 byway no longer possesses the intrinsic qualities nor meets the  
12 criteria that supported its designation.

13        (2) The department shall determine whether a roadway designated as  
14 a national scenic or all-American roadway is being properly maintained  
15 in accordance with the roadway's byway management plan, including  
16 preserving the intrinsic qualities that originally supported the  
17 designation.    When the department determines that the intrinsic  
18 qualities of a national scenic byway or all-American roadway have not  
19 been maintained sufficiently to retain its designation, the department  
20 shall notify the party responsible for maintaining the designation of  
21 the finding and allow the party an opportunity, under federal  
22 regulations, for corrective action before formal removal of the  
23 designation of the roadway.

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