

# **SENATE BILL REPORT**

## **SB 5690**

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As Reported By Senate Committee On:  
Transportation, March 3, 1995

**Title:** An act relating to public comment on significant roadside activities.

**Brief Description:** Seeking input on significant roadside activities.

**Sponsors:** Senators Fairley, Swecker, Fraser, Owen and Quigley.

**Brief History:**

**Committee Activity:** Transportation: 2/16/95, 3/3/95 [DPS].

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### **SENATE COMMITTEE ON TRANSPORTATION**

**Majority Report:** That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Haugen, Kohl, Morton, Prentice, Prince, Rasmussen, Schow and Wood.

**Staff:** Gene Baxstrom (786-7303)

**Background:** The Department of Transportation is responsible for maintaining highway rights of way. Maintenance procedures often include roadside cleanup, mowing, vegetation management, and tree removal.

The Department of Transportation may grant franchises for up to 50 years to use state highway rights of way. These franchises may be for use as utility corridors such as pipelines and power lines, and urban transportation systems.

The department is required to have rules providing for a public hearing or opportunity for hearing on certain franchise applications--those involving construction and maintenance when the department determines that they may: (1) during construction disrupt traffic; or (2) following construction, cause a significant effect upon the surrounding environment.

**Summary of Substitute Bill:** The Department of Transportation is required to provide for public notification and the opportunity for public comment from owners of property abutting a highway right of way before undertaking significant maintenance activities. The process is to seek public comment before activities are conducted. A public meeting must be provided if requested by one or more owners abutting the highway right of way.

Significant roadside activities include, but are not limited to removal of large stands of vegetation, recontouring of earth berms, or the removal or modification of other natural or constructed noise barriers. They do not include emergency maintenance, critical safety work such as trees posing an immediate threat to travel safety, mowing, and road cleanup.

The Department of Transportation is required to provide for public notification of a franchise application that will have a long-term visual or physical impact to the owners of property abutting the highway right of way. This notice must include a description of the facility and changes to the site occurring as a result of granting the franchise.

**Substitute Bill Compared to Original Bill:** The requirement for the Department of Transportation to "adopt rules for public notice" to property owners abutting a highway right of way, when significant maintenance activities or a franchise are applied for, is changed to "provide for public notification." The additional requirement for the department to notify property owners of a franchise application are limited to when that franchise will involve a long-term visual or physical impact. Requirements for a public hearing for significant maintenance activities, if requested by an abutting property owner, are changed to a public meeting.

**Appropriation:** None.

**Fiscal Note:** Available for original bill.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It would provide for improved Department of Transportation relations through informing the public of activities before they happen.

**Testimony Against:** There is concern that public hearings may be more than is required to adequately notify the public. For utility franchises, concern is expressed that language should be clarified when impacts must be addressed by public hearing.

**Testified:** Senator Fairley, prime sponsor; Larry Russ, WSDOT (concerns) Chris Leman, Coalition of WA Communities (pro); Maynard Arsove, (pro); Ron Newbry, Puget Power (concerns); Mike Tracy, Puget Power (concerns).