
ENGROSSED SUBSTITUTE SENATE BILL 5690

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Fairley, Swecker, Fraser, Owen and Quigley)

Read first time 03/06/95.

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 provide public notification to, and the
8 opportunity for public comment from, the owners of properties abutting
9 the highway right of way before undertaking significant roadside
10 maintenance activities. The notification must include, at a minimum,
11 publication at least thirty days before the activities in two
12 successive issues in a newspaper of general circulation in the area and
13 posting at least thirty days in advance in conspicuous locations in the
14 vicinity of the activities. If one or more owners requests a public
15 meeting, the department shall provide a public meeting. The process
16 shall seek public input before the activities are accomplished. For
17 the purpose of this section, significant maintenance activities include
18 but are not limited to, removal of large stands of vegetation,
19 recontouring of earth berms, or the removal or modification of other

1 natural or constructed noise barriers. Significant roadside
2 maintenance activities do not include emergency maintenance; critical
3 safety work, such as removal of trees that are an immediate threat to
4 the safety of the traveling public; mowing; and roadside cleanup.

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

7 The department of transportation may grant franchises to persons,
8 associations, private or municipal corporations, the United States
9 government, or any agency thereof, to use any state highway for the
10 construction and maintenance of water pipes, flume, gas, oil or coal
11 pipes, telephone, telegraph and electric light and power lines and
12 conduits, trams or railways, and any structures or facilities which are
13 part of an urban public transportation system owned or operated by a
14 municipal corporation, agency or department of the state of Washington
15 other than the department of transportation, and any other such
16 facilities. All applications for such franchise shall be made in
17 writing and subscribed by the applicant, and shall describe the state
18 highway or portion thereof over which franchise is desired and the
19 nature of the franchise. The department of transportation shall
20 provide for public notification to, and the opportunity for public
21 comment from, the owners of property abutting the highway right of way
22 of any proposed facility that will have a long term visual or physical
23 impact. The notice must include a description of the facility and
24 changes to the site occurring as a result of granting the franchise on
25 the right of way. At a minimum, the notice must be published at least
26 thirty days before granting the franchise in two consecutive issues in
27 a newspaper of general circulation in the area and posted at least
28 thirty days before granting the franchise in conspicuous locations in
29 the vicinity of the facility. The department of transportation shall
30 adopt rules providing for a hearing or an opportunity for a hearing
31 with reasonable public notice thereof with respect to any franchise
32 application involving the construction and maintenance of utilities or
33 other facilities within the highway right of way which the department
34 determines may (1) during construction, significantly disrupt the flow
35 of traffic or use of driveways or other facilities within the right of
36 way, or (2) during or following construction, cause a significant and

- 1 adverse effect upon the surrounding environment including properties
- 2 abutting the right of way.

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