
SENATE BILL 6405

State of Washington

54th Legislature

1996 Regular Session

By Senators Owen, Prince, Prentice, Wood, Winsley and Fraser; by request of Department of Transportation

Read first time 01/15/96. 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, 1996, 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 shall not be limited by, are: (a)
15 Scenic 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.

--- END ---