

SENATE BILL REPORT

SB 5094

As of January 20, 2020

Title: An act relating to exempting the flag of the United States from regulations regarding signs, banners, or decorations along or near roadways.

Brief Description: Exempting the flag of the United States from regulations regarding signs, banners, or decorations along or near roadways.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: Transportation: 1/23/19.

Brief Summary of Bill

- Prevents the Washington State Department of Transportation, cities, and counties from prohibiting the flag of the United States to be placed along or near roadways.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Erica Bramlet (786-7321)

Background: The Manual on Uniform Traffic Control Devices (MUTCD) is a set of federal guidelines published by the Federal Highway Administration that sets minimum standards and ensures uniformity of traffic control devices for both highways and local roads across the nation. States can then choose to adopt:

- the national MUTCD;
- the national MUTCD with a state supplement; or
- a state MUTCD that is determined to be in substantial conformance with the national MUTCD.

Washington State has adopted the national MUTCD with a state supplement. The state supplement's modifications reside in Washington Administrative Code (WAC).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Current law gives discretion to the Washington State Department of Transportation (WSDOT) to make a modification to the MUTCD to allow signs, banners, or decorations over a highway that:

- are in unincorporated areas;
- are at least 20 vertical feet above a highway; and
- do not interfere with or obstruct the view of any traffic control device.

Federal minimum vertical clearance requirements for overpasses range from 14 to 16 feet, depending on the type of roadway.

The federal MUTCD is silent on U.S. flags specifically, but includes some language indicating that non-essential traffic control devices, signs, or messages should be removed. The state supplement in WAC is also silent on U.S. flags, but does use the permissive authority given in current law to allow banners for upcoming local events to be placed along lower-speed highways.

Summary of Bill: WSDOT, cities, and counties are prevented from prohibiting the U.S. flag to be placed along or near roadways, as long as it is:

- at least 20 vertical feet above a highway; and
- does not interfere with or obstruct traffic flow or the view of any traffic control device.

The U.S. flag is defined as being made of fabric, cloth, or paper and that is displayed from a staff or flagpole.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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