

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5273

Chapter 218, Laws of 1999

56th Legislature
1999 Regular Session

SCENIC BYWAY DESIGNATION

EFFECTIVE DATE: 5/7/99

Passed by the Senate April 20, 1999
YEAS 47 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 8, 1999
YEAS 96 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 7, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5273** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 7, 1999 - 4:07 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5273

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser)

Read first time 02/22/1999.

1 AN ACT Relating to a scenic byways designation program; amending
2 RCW 47.39.010, 47.39.030, 47.39.060, and 47.39.080; adding new sections
3 to chapter 47.39 RCW; repealing RCW 47.39.070; and declaring an
4 emergency.

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

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

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

12 Recognizing that the Transportation Equity Act for the 21st Century
13 establishes a national "scenic byway" program that could benefit state
14 and local roadways, the Washington state scenic byway designation
15 program is revised to address state and local transportation routes.
16 Byways in this program must be designated and maintained in accordance
17 with the criteria developed by the department under this chapter.
18 However, a highway so designated under section 4 of this act does not

1 become part of the scenic and recreational highway system unless
2 approved by the legislature.

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

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

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

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

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

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

1 The department and the parks and recreation commission (~~shall~~)
2 may include, where appropriate, on any maps, or in any relevant
3 descriptive material they may prepare at state expense, (~~include~~)
4 references to those portions of highways designated in RCW 47.39.020,
5 and may include those designated byways by appropriate color or code
6 designation.

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

9 (1) The department, in consultation with the department of
10 community, trade, and economic development, the department of natural
11 resources, the parks and recreation commission, affected cities, towns,
12 and counties, federally recognized tribes, regional transportation
13 planning organizations, Washington-based automobile clubs, state-wide
14 bicycling organizations, and other interested parties, shall develop by
15 December 31, 1999, criteria for assessing scenic byways and heritage
16 tour routes and an appropriate method of nomination and application for
17 the designation and removal of the designation of the byways. Factors
18 the department may take into consideration, but is not limited by, are:
19 (a) Scenic quality of the byway; (b) natural aspects, such as
20 geological formations, water bodies, vegetation, and wildlife; (c)
21 historic elements; (d) cultural features such as the arts, crafts,
22 music, customs, or traditions of a distinct group of people; (e)
23 archaeological features; (f) recreational activities; (g) roadway
24 safety including accommodations for bicycle and pedestrian travel, tour
25 buses, and automobiles; (h) scenic byway and local and regional byway
26 management plans; and (i) local public involvement and support for the
27 byway.

28 (2) The criteria developed in subsection (1) of this section must
29 not impose nor require regulation of privately owned lands or property
30 rights.

31 (3) Any person may nominate a roadway, path, or trail for inclusion
32 in the scenic byway program. The department shall assess nominations
33 in accordance with the criteria developed under subsection (1) of this
34 section. The department shall submit its recommendations for scenic
35 byway and heritage tour route designations to the commission for its
36 approval and official designation of the roadway, path, or trail as a
37 scenic byway or a heritage tour route. All decisions made by the

1 commission relating to scenic byway and heritage tour route
2 designations are final.

3 (4) The department shall apply the criteria in subsection (1) of
4 this section to state highways that are currently not a part of the
5 designated scenic and recreational highway system. The department
6 shall respond to local requests for route evaluation as defined in
7 subsection (3) of this section.

8 (5) Once the commission has designated a roadway as a scenic byway,
9 the department may submit an individual nomination to the Federal
10 Highway Administration for its consideration of whether the roadway
11 qualifies to be designated as a national scenic byway or an All-
12 American Roadway.

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

15 The department shall participate with local communities to develop
16 a corridor management plan for a state highway nominated to be part of
17 the scenic byway program. Local, regional, or other governmental
18 bodies shall develop a corridor management plan for nominated routes
19 that are under their jurisdiction.

20 **Sec. 6.** RCW 47.39.080 and 1993 c 430 s 8 are each amended to read
21 as follows:

22 Recognizing that the (~~Intermodal Surface Transportation Efficiency~~
23 ~~Act of 1991~~) Transportation Equity Act for the 21st Century
24 establishes a national "Scenic Byways" grant program and a new
25 apportionment program called "Transportation Enhancement Activities,"
26 the department of transportation shall place high priority on obtaining
27 funds from those sources for further development of a scenic and
28 recreational highways program, including (~~highway—heritage~~)
29 enhancement projects on the designated scenic and recreational highway
30 system. The department shall consider the use of the designated system
31 by bicyclists and pedestrians in connection with nonmotorized routes in
32 the state trail plan, and the state bicycle plan which are also
33 eligible for (~~ISTEA~~) TEA-21 funding. Appropriate signage may be used
34 at intersections of nonmotorized and motorized systems to demonstrate
35 the access, location, and the interconnectivity of various modes of
36 travel for transportation and recreation. For the purposes of
37 leveraging national scenic byway planning grant funds, the commission

1 may designate eligible state highways as scenic byways on an interim
2 basis.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.39 RCW
4 to read as follows:

5 (1) The commission may remove the designation of a route if it no
6 longer possesses the intrinsic qualities or fails to meet the criteria
7 that supported its designation.

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

19 (3) Local, regional, or other governmental bodies may notify the
20 commission of the removal of a designated route if they determine it no
21 longer meets the designation criteria, or community support for the
22 designation no longer exists, or it no longer possesses the intrinsic
23 qualities that supported its original designation.

24 (4) State or local removal of a designated route will result in
25 discontinued state support of the designated route and can include, but
26 is not limited to, state matching assistance for grant applications,
27 the removal of signs directly related to the byway, free promotional
28 information in the state-owned safety rest areas, and inclusion in
29 maps, brochures, and electronic media.

30 NEW SECTION. **Sec. 8.** RCW 47.39.070 and 1990 c 240 s 2 are each
31 repealed.

32 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect
35 immediately.

Passed the Senate April 20, 1999.
Passed the House April 8, 1999.
Approved by the Governor May 7, 1999.
Filed in Office of Secretary of State May 7, 1999.