
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. If one or more owners requests a public
11 meeting, the department shall provide a public meeting. The process
12 shall seek public input before the activities are accomplished. For
13 the purpose of this section, significant maintenance activities include
14 but are not limited to, removal of large stands of vegetation,
15 recontouring of earth berms, or the removal or modification of other
16 natural or constructed noise barriers. Significant roadside
17 maintenance activities do not include emergency maintenance; critical
18 safety work, such as removal of trees that are an immediate threat to
19 the safety of the traveling public; mowing; and roadside cleanup.

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

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

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