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HOUSE BILL 1332

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Ogden, DeBolt, Hankins, Hurst, Fisher, Romero and Haigh

Read first time 01/21/1999. Referred to Committee on Transportation.

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, state-wide bicycling organizations, and other  
14 interested parties, shall develop by December 31, 1999, criteria for  
15 assessing scenic byways and heritage tour routes and an appropriate  
16 method of nomination and application for the designation and removal of  
17 the designation of the byways. Factors the department may take into  
18 consideration, but is not limited by, are: (a) Scenic quality of the  
19 byway; (b) natural aspects, such as geological formations, water  
20 bodies, vegetation, and wildlife; (c) historic elements; (d) cultural  
21 features such as the arts, crafts, music, customs, or traditions of a  
22 distinct group of people; (e) archaeological features; (f) recreational  
23 activities; (g) roadway safety including accommodations for bicycle and  
24 pedestrian travel, tour buses, and automobiles; (h) scenic byway and  
25 local and regional byway management plans; and (i) local public  
26 involvement and support for the byway.

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

36       (3) The department shall apply the criteria in subsection (1) of  
37 this section to state highways that are currently not a part of the  
38 designated scenic and recreational highway system. The department

1 shall respond to local requests for route evaluation as defined in  
2 subsection (2) of this section.

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

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

10 The department shall participate with local communities to develop  
11 a corridor management plan for a state highway nominated to be part of  
12 the scenic byway program. Local, regional, or other governmental  
13 bodies shall develop a corridor management plan for nominated routes  
14 that are under their jurisdiction.

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

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

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

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

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

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

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

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

28 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

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