State Legislation and Directives

General

See Design Manual for safety and documentation requirements. The Environmental Manual contains references to laws and directives applicable to the environment. The following is a brief summary of the major state acts and directives affecting roadsides.

Planning

**RCW 47.06**, Amended in 1993 by Engrossed House Bill 1007

Directs the Transportation Commission to develop the Transportation Policy Plan for Washington State, and directs WSDOT to develop the Statewide Multimodal Transportation Plan.

**Washington State Growth Management Act of 1990 and amendments**

Sets goals to guide planning for growth in all communities exceeding a set threshold. Requires designations of natural resource lands and critical areas. Provides for regional transportation planning program.

Requires state agencies to comply with local comprehensive plans and development regulations. Requires local governments to develop a process for siting “essential public facilities.”

Requires certain cities and counties to designate environmentally sensitive areas, including wetlands, flood plains, and habitat.

Environmental

The following list includes legislation, regulations, and guidelines most commonly encountered in roadside activities. For more complete information on state environmental legislation, regulations, and guidelines directly affecting WSDOT actions, see the WSDOT Environmental Manual or contact the Headquarters Environmental Affairs Office.

**General**

**State Environmental Policy Act (SEPA) and RCW 43.21C**

Declares a state environmental policy and promotes efforts to prevent or eliminate damage to the environment, including visual impacts.
State Environmental Policy Act Rules: WAC 197-11
Establishes uniform requirements for agencies and developers to comply with SEPA regulations.

Transportation Commission and Transportation Department
Environmental Policy Act Rules: WAC 468-12
Integrates the policies and procedures of SEPA into the programs, activities, and actions of the department.

Water Quality

Puget Sound Water Quality Authority Act: RCW 90.70
Established the Puget Sound Water Quality Authority and directed the Authority to develop a Puget Sound Water Quality Management Plan.

Puget Sound Runoff Program: WAC 173-270
Provides guidelines and criteria for implementation of the program.

Shoreline Management Act of 1971: RCW 90.58
Manages Washington State’s shorelines by planning for and supporting all reasonable and appropriate uses.

State Water Pollution control Act: RCW 90.48
Protects all surface and underground waters.

Water Resources Act of 1971; RCW 90.54
Provides for utilization and management of waters in Washington State.

Biology/ Wetlands

Hydraulic Code of Washington, RCW 75.20 and WAC 220-110
Establishes program for regulating activities within the waters of the state for fish protection. Requires hydraulic project approval for actions within the ordinary high water mark. Administered by the Washington State Department of Fish and Wildlife and the Tribes.

Fish Passage, RCW 75.20.060 and RCW 77.16.210
Requires that any structures placed in waters of the state provide for unobstructed passage of fish.

WAC 220-110-070 States that bridges are preferred as water crossing structures by the department in order to ensure free and unimpeded fish passage for adult and juvenile fishes and to preserve spawning and rearing habitat.
Executive Order 89-10: Protection of Wetlands
Provides for “no net loss” of wetlands. Directs each state agency to provide an action plan to minimize the destruction or loss of wetlands and to preserve and enhance their beneficial value.

Executive Order 90-04: Protection of Wetlands
Provides for wetland protection by all state agencies. Defines mitigation and provides for the Department of Ecology to develop guidance and policy on wetland protection.

**Noise**

Noise Control Act of 1974: RCW 70-107
Expands efforts to abate and control noise while considering the social and economic impact upon the community and the state.

Sound Level Measurement Procedures: WAC 173-58
Establishes standardized procedures to measure sound levels from sources including environmental and construction noise.

Maximum Environmental Noise Levels: WAC 173-60
Establishes maximum noise levels for identified environments.

**Visual Quality**

Scenic and Recreational Highway Act of 1967: RCW 47.39
Establishes the Scenic and Recreational (S&R) Highways Program and designates more than 1900 miles of scenic highways.

Roadside Improvement and Beautification: RCW 47.40
Outlines permit process for persons wishing to use highway right of way for improvement and beautification. Establishes penalty for destroying native flora on state lands. Mandates litter removal, and authorizes state and local Adopt-a-Highway programs.

Junkyards Adjacent to Interstate and Primary Highways: RCW 47.41
Establishes controls for junkyards adjacent to highways.

Highway Advertising Control Act-Scenic Vistas Act of 1971: RCW 47.42
Amends the Highway Advertising Control Act to include the designated Scenic and Recreational Highways. Controls advertising signs along state highways and their interference with views.
Amended Scenic and Recreational Highway Act of 1967: RCW 47.39 (1990)

Directs WSDOT to develop criteria and a threshold methodology to evaluate highways for possible inclusion in the S&R system. States that scenic and recreational highways are designated because of a need to develop management plans that will protect and preserve the scenic and recreational resources from loss through inappropriate development. States that protection of these resources includes managing land use outside normal highway rights of way, and adds additional routes to the S&R System.


Includes 45% of state highways in the Scenic and Recreational Highway (S&R) system. Directs the department to consider the use of the designated system by bicycles and pedestrians. Delegates authority for establishment of planning and design standards for S&R highways.

Scenic Enhancement for Utilities Accommodation on State Highway Rights of Way: WAC 468-34-330

Describes a scenic classification system for utilities accommodation on state highway rights of way as developed through cooperation of WSDOT and the Aerial Utility Industry.

Maintenance

Roadway Safety, RCW 47.32.130

Provides for the removal of elements, such as vegetation, outside WSDOT right of way to increase roadway safety.

Compost Products, RCW 43.19A.050

Instructs the department to prepare a strategy to increase purchases of recycled-content products.

(2) Compost products as a percentage of the total dollar amount (spent on soil cover or soil amendments) on an annual basis:

( c) At least eighty percent by 1998.

Integrated Pest Management, RCW 17.15 120

Directs state agencies to use those principles when managing pests.

Fertilizer Regulation, Substitute Senate Bill 6474, Chapter 36, Laws of 1998, effective date: June 11, 1998

- Requires license for distribution of bulk fertilizers.
Requires identification of those products that are (i) waste derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate.

Requires a minimum labeling statement that it meet Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium and zinc.

Defines “compost” and “soil amendment.”

Noxious Weed Control, RCW 17.10.145

Directs state agencies to control noxious weeds on their lands.

Preservation, restoration and cleanup of areas disturbed through utility installation, maintenance and repairs: WAC 468-34-340

Outlines criteria for utility use of highway right of way, requires utilities to repair or replace unnecessarily removed or disfigured trees and shrub, and specifies vegetation management practices.

Vegetation Management Program, WAC 173-270-040

States that the purposes of vegetation management in highway rights of way are to establish and maintain stable plant communities that resist encroachment by undesirable plants, noxious weeds, and other pests; meet WSDOT operational, health, natural resources and environmental standards; be cost effective; and protect the public investment with minimal negative impacts on the environment. Requires a vegetation management program for all state highways with the Puget Sound basin.

Partnerships

Adopt a Highway, RCW 47.40.100 and WAC 468-72

Establishes and provides guidelines for state Adopt-a-Highway program. The purpose of the program is to provide volunteers and businesses an opportunity to contribute to a cleaner environment, enhanced roadsides, and protection of wildlife habitats.

Rest Areas

Acquisition of Property for Preservation of Beauty, Historic Sites, Viewpoints, Safety Rest Areas, Buffer Zones: RCW 47.12.250

Authorizes acquisition of property, or interests, or rights to property adjacent to state highways for the stated purposes.

Roadside Areas-Safety Rest Areas: RCW 47.38

Directs the development of rules and establishes limitations on use of rest areas and other roadside areas. Authorizes development of
information centers. Establishes recreational vehicle sanitary disposal systems.

**Recreational Vehicle RCW 46.16 and 46.68**

Authorizes and sets up an account for additional fees charged for recreational vehicles to be used for the construction, maintenance and operation of recreational vehicle sanitary disposal systems at safety rest areas.

**Uniform Building Code Requirements for Barrier-Free Accessibility: RCW 19.27 and 70.92**

Requires all new structures, and those being substantially renovated, be approachable and usable by persons with disabilities.