

General

WSDOT's first responsibility is for the safety and welfare of the roadway user. Management of the right of way should focus on maintaining the safety and integrity of the highway facility in a manner consistent with authorized state highway purposes.

Authorized state highway purposes include planting, protection, or encouragement of any appropriate vegetation, and the correction of unsightly conditions upon the right of way (RCW 47.40.010). Any alteration of roadside vegetation must be consistent with roadside functions and Roadside Classification Plan (RCP) provisions, and must be accomplished in a consistent, cost-effective, and environmentally-sensitive manner.

Approaches to implementing RCP provisions may vary depending on whether or not WSDOT owns rights to access, light, view, and air. For the most part, if the highway is a limited access highway, the department has acquired fee ownership, including the rights to access, light, view, and air. In this case, the department has the right to maintain and develop existing roadside conditions as shown by plans or implied at the time of right of way acquisition.

Many roadways that were turned over to the State by counties, especially those in Eastern Washington, are on easements and are nonlimited access highways. In this case, generally the rights to light, view, and air are with the fee owner, unless otherwise arranged. The State has the right to regulate use of the right of way to ensure the safety and integrity of the facility in a manner consistent with the public use for travel, and to use the right of way for highway purposes. In some cases, where it cannot be done otherwise, it may be cost-effective for the department to purchase rights to light, view, and air to maintain the right of way in a particular condition.

Buffer

Right of way and easement purchase are recommended as proactive measures to protect roadside character and limit necessity for future roadside mitigation expenses. The department is authorized to secure lands or interest in lands adjacent to any state highway for the preservation of natural beauty or historic sites or viewpoints, or to provide a visual or sound buffer between highways and adjacent properties (RCW 47.12).

Retention of surplus right of way is recommended to protect or encourage appropriate vegetation, correct unsightly conditions upon the right of way, provide a visual or sound buffer between highways and adjacent properties, or fulfill environmental functions.

When adjacent lands are designated for actions that may impact the roadside, coordination with adjacent landowners to protect roadside character is recommended.

Private Uses of the Roadside

Private uses of right of way owned by WSDOT must be mutually beneficial, and must not constitute a present or future financial burden on WSDOT. Roadside uses that are compatible with roadside functions, and in accordance with RCP provisions, including designated roadside character, may be permitted.

Private parties may apply for a permit to cultivate and manage roadside vegetation (RCW 47.40). Any permit granted must clearly identify what the permittee is responsible for, and what he or she cannot do. Such permits are dealt with at the region level.

Requests for view access to or from adjacent properties must be addressed on a case by case basis. In all cases, alterations to the roadside must ensure the safety and integrity of the facility and be accomplished in a consistent, cost-effective, and environmentally-sensitive manner.

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