Chapter 800

Property Management and Disposal

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800.01 Overview

The property management phase of the Transportation Decision-Making Process has three major elements: utility accommodation, surplus real property lease/disposal, and changes in limited access as shown in Figure 800-1.

This chapter describes the environmental policies related to each of these elements and provides links to the appropriate manuals that describe the procedures for accomplishing this work.

800.02 Environmental Commitments for Utilities Accommodation

The WSDOT Utilities Accommodation Policy M 22-86 enables the department to allow the installation of public and private utilities within the state right of way provided that they do not interfere with the free and safe flow of traffic, or otherwise impair visual quality. This policy was established in cooperation with the utility industry and complies with state law and the American Association of State Highway and Transportation Officials (AASHTO) guidelines.

Potential impacts to utilities must be disclosed during the environmental documentation phase of a project. Impacts to the built and social environment are considered under Social and Community effects (see Chapter 458). The analysis must also consider potential impacts to the natural and manmade environment caused by relocating utility lines. This may be done as part of the WSDOT project or by the utility company. See Section 458.06 of this manual and WSDOT Utilities Manual M 22-87 Section 600.09(4) for guidance.
WSDOT Design Manual M 22-01 Chapter 510 describes the region’s responsibility to ascertain ownership of all utilities and arrange for necessary adjustment of utilities, including relocation, if necessary. Provisions for relocation or adjustment are included in the PS&E plans, when such items are part of normal construction and:

- When WSDOT is obligated for moving expenses as detailed in the utility franchise, permit, or agreement.
- When the utility requests that relocation be performed by WSDOT and WSDOT accepts that responsibility.

Adjustment or relocation of the utility may require WSDOT to purchase substitute right of way or easements for eventual transfer to the utility. Such right of way or easements must be shown on the Right of Way (ROW) plans with the same engineering detail as for highway right of way. See WSDOT Plans Preparation Manual M 22-31 Division 1 and WSDOT Construction Manual M 41.01 Chapters 8 and 10 for guidance and requirements.

WSDOT Utilities Manual M 22-87 describes general practices, policies, and procedures with respect to agreements, easement, permits, and franchises between WSDOT and other entities using the state highway right of way. It includes detailed procedures and examples for preparing PS&E agreements and construction agreements. It also includes information on approval authority, utility property rights, authorization to proceed, inspection, records, and checklists for utility contracts.

For help with utility easements on WSDOT right of way, contact WSDOT Headquarters Real Estate Services (RES) at 360-705-7237.

800.03 Environmental Considerations in Surplus Real Property Disposal/Lease

WSDOT may determine that a real property owned and under the jurisdiction of WSDOT is no longer required for transportation purposes, or that a non-highway use of WSDOT property should be allowed. If it is in the public interest, WSDOT may lease or dispose of the property by sale or exchange to entities listed in the WSDOT Right of Way Manual M 26-01, or as detailed in state law.

The legislature has mandated that WSDOT surplus and sell properties no longer needed for transportation purposes. Region RES offices periodically review the properties they manage and determine if any should be declared surplus. They also periodically receive requests from the public to lease portions of WSDOT right of way. Region RES determines if these actions are appropriate by preparing a lease/disposal review package for circulation through various disciplines of WSDOT, including region Environmental staff. Region Environmental staff reviews the property for consideration of the environmental issues listed below. The HQ Environmental Services Office provides technical assistance upon request. If the region recommends lease or disposal of the property, the region RES office submits the lease/disposal package to HQ RES.
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The Region/Modal Environmental Manager determines if property is eligible for lease or disposal. The decision should take into account the environmental effect of the action, including:

- The potential of the property to fulfill a future transportation need such as stormwater treatment, stream enhancement, noise walls, bridge replacement and roadway realignment.
- The potential for the property to provide environmental mitigation. The potential for the proposed land use to adversely impact the safe and proper operations or maintenance of the highway presently or in the foreseeable future.
- The need to comply with NEPA documentation requirements before seeking FHWA approval of the action.

When FHWA approval is required before WSDOT can make a lease or disposal decision, WSDOT’s action triggers a federal nexus. If a federal nexus is created, NEPA, NHPA, and ESA documentation must be completed prior to lease or disposal (23 CFR 771.117(d)(6)).

Two common real estate decisions requiring FHWA concurrence or approval include:

1. When surplus property being considered for lease or disposal is located on an interstate highway.
2. If a parcel considered for lease or disposal was purchased with federal funding and the parcel will be sold for less than fair market value.

If either of these conditions is met the region RES staff will notify region Environmental staff that NEPA has been triggered. NEPA is not required for non-interstate leases or disposals sold at or above fair market value.

Property is not appropriate for lease or disposal if:

- It is suitable for for a future transportation need such as stormwater treatment, stream enhancement, noise walls, bridge replacement and roadway realignment.
- It is suitable for retention to restore, preserve, or improve the scenic beauty adjacent to the highway.
- It is suitable for inclusion in WSDOT’s wetlands inventory.
- It is needed for a park and ride lot, flyer stop, or other programmed or known future highway needs.
- It is suitable for water quality or flow control treatment facility location for future proposed widening or retrofit requirements.
- Hazardous material is present on the site or any necessary cleanup has not been completed.

If none of these environmental uses for the property become evident during the review, the property may be suitable for lease or disposal.

The Region/Modal Environmental Manager will determine the appropriate level of environmental documentation and resources to be expended for each property review. A typical office review of a candidate property includes completion of an Environmental Checklist (DOT Form 220-015 EF). However, in some situations, completion of the checklist may not be necessary due to the size, location, or existing knowledge about the property. In other situations, the checklist may not provide enough information and an Environmental Classification Summary (ECS) form should be completed. The following documentation options may be considered:
• Completion of a memo to file explaining why it was not necessary to complete the Environmental Checklist documenting that there are no endangered species, or historic/cultural concerns associated with the property. At a minimum, the following statement should be included in the explanation: “Complies with NEPA (23 CFR 771.117(d) List), ESA and Section 106 of the NHPA.” An explanation should be provided for why no further documentation is needed, such as “the lease/disposal will not lead to construction.” Attach a copy of the memo to the STELLENT file.

• Completion of the STELLENT environmental checklist.

• Completion of an H&LP or state ECS. If this option is chosen, the Region/Modal Environmental Office must attach a copy of the ECS to the STELLENT surplus property review package.

• The proposed lease or disposal may be addressed as part of a larger action in an EA/EIS. If this option is selected, the appropriate document must be referenced in the comment section of the STELLENT surplus property review package and a short summary of the environmental issues attached.

The HQ Environmental Services Office will not conduct a separate environmental review of lease and disposal actions unless specifically requested to do so by the Region/Modal Environmental Manager. If the region recommends lease or disposal of the property, the Environmental Checklist or other documentation is submitted to Headquarters by the region RES office.

800.04 Environmental Considerations in Disposal of Pit Sites

WSDOT owns and manages several mineral resources sites across the state commonly referred to as pit sites. Mineral resource sites include gravel pits, rock quarries, or barrow pits developed to produce mineral aggregates for highway projects. If the property to be disposed of is, or was a pit site, the following additional documentation needs to be included in the disposal review package:

• Pit Evaluation Report (DOT Form 350-023 EF).
• Reclamation Plan.
• Hazardous Materials Assessment and Remediation Reports.

Any suspected hazardous materials on WSDOT property should be reported to the Area Maintenance Superintendent (inside the operating right of way), Region RES Manager (outside the operating right of way), and/or Capital Facilities Manager. Areas of responsibility may overlap, but these managers maintain close lines of communications and will make sure the HQ Environmental Services Office and Attorney General’s Office are consulted for assessment, remediation, and determination of liability. See Chapter 447 for background and technical guidance on hazardous materials.
800.05 Environmental Considerations for Changes in Limited Access

Environmental impacts and/or benefits resulting from changes in access control must be disclosed during the environmental documentation phase of the project. This is typically done as part of the discussion of impacts to the built environment and can influence land use (Chapter 450), transportation (Chapter 460), or the social and community network (Chapter 458). If a change in limited access control is included in the preferred alternative, you must complete the Environmental Checklist (DOT Form 220-015 EF) and follow the procedure described in WSDOT Design Manual M-22.01 Chapter 530.

See WSDOT Design Manual Chapter 520 for a general description of the types of access control on state highways, their purpose, and uses. See WSDOT Design Manual Chapter 530 for a description of the process and requirements for Modifications to Limited Access.

800.06 Statutes and Regulations

- 23 CFR 645, Accommodating Utility Facilities
- 23 CFR 771.117, Categorical Exclusions
- Chapter 47.44 RCW, Franchises on State Highways
- RCW 47.12.120, Lease of Unused Highway Land or Air Space
- RCW 47.12.063, Surplus Real Property Program (disposal)
- WAC 468-34, Utility Lines – Franchises and Permits
- Highways Over National Forest Lands MOU with the United States Forest Service
- Scenic Classification of Highways MOU with the Washington Utility Coordination Council

800.07 Abbreviations and Acronyms

AASHTO American Association of State Highway and Transportation Officials
CFR Code of Federal Regulations
EA/EIS Environmental Assessment/Environmental Impact Statement
ECS Environmental Classification Summary
ESA Endangered Species Act
FHWA Federal Highway Administration
HQ WSDOT Headquarters
NEPA National Environmental Policy Act
NHPA National Historic Preservation Act
PS&E Plans, Specifications, and Estimates
RCW Revised Code of Washington
RES Real Estate Services
ROW Right of Way
WAC Washington Administrative Code
WUCC Washington Utility Coordination Council
800.08 Glossary

Franchise – A utility accommodation document that defines utility ownership, type, size, location, construction methods, maintenance, duration, and other information related to the utility installation operating on highway right of way, toll facilities, and the state ferry system.

Utility – Privately, publically, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electric power, light, heat, gas, oil, crude products, water, steam, waste, stormwater (not connected to highway drainage) and other similar commodities, including any fire or police signal systems, street light systems, and traffic control system interties, which directly or indirectly serve the public (see WSDOT Utilities Manual M 22-87 Chapter 2).

Limited Access – WSDOT controls access to and from the state highway to preserve the safety and efficiency of the facility. Limited access control is accomplished by purchasing the access rights from adjacent property owners. See Design Manual M 22-01 Chapter 520 for a policy guidance, implementing regulations, a description of the types of access control, their uses and benefits.