

## ***Part 8***

## ***Property Management***

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Chapter 800 Property Management

Chapter 810 Utilities Accommodation

Chapter 820 Surplus Real Property Disposal

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Exhibit 820-1 Environmental Checklist for Surplus Real Property Disposal



- 800.01 Introduction
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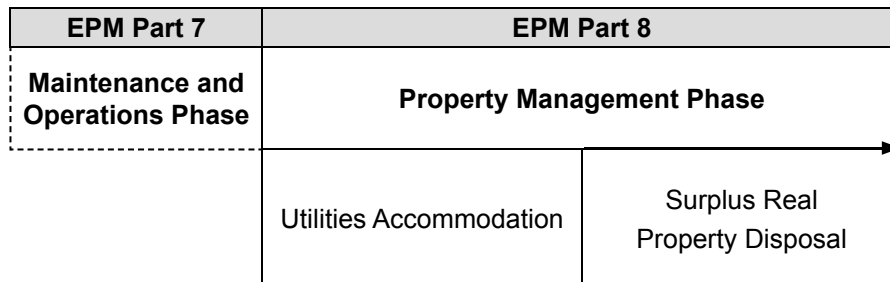
**800.01 Introduction**

Part 8 covers the Property Management phase of the WSDOT Transportation Decision-Making Process. Property Management deals with such things as utilities accommodation and disposal of surplus real property.

**800.02 Process Overview**

Figure 800-1 shows how Property Management relates to the preceding phase in WSDOT’s Transportation Decision-Making Process.

**Figure 800-1: Property Management Phase**



**800.03 Organization of Part 8**

Part 8 has three chapters. **Chapter 810** deals with policies and procedures related to utilities accommodation, which is the responsibility of the Region Utilities Engineer. These procedures are set out in the *Utilities Manual* (M 22-87). **Chapter 820** deals with policies and procedures related to disposal of surplus real property, which is the responsibility of the Region Real Estate Services Manager. These procedures are set out in Chapter 11 of the *Right of Way Manual* (M 26-01). **Chapter 890** deals with implementing environmental commitments during property management.

## 800.04 Abbreviations and Acronyms

Abbreviations and acronyms used in **Part 8** are listed below. Others are found in the general list in **Appendix A**.

AASHTO	American Association of State Highway Transportation Officials
RES	Real Estate Services
WUCC	Washington Utility Coordinating Council

## 800.05 Glossary

Terms used in **Part 8** are listed below. See **Appendix B** for a general glossary of terms used in the EPM.

**Utility** – Privately, publicly, 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 with highway drainage, and other similar commodities, including any fire or police signal systems, street lighting systems, and traffic control system interties, which directly or indirectly serve the public. (WSDOT *Utilities Manual* (M 22-87), Chapter 2.)

## 800.06 Exhibits

None.

- 810.01 Introduction
- 810.02 Applicable Statutes and Regulations
- 810.03 Policy Guidance
- 810.04 Interagency Agreements
- 810.05 Technical Guidance
- 810.06 Permits
- 810.07 Exhibits

### Key to Icons

 Web site.\*

### 810.01 Introduction

Utilities accommodation is about allowing utilities to use WSDOT highway right of way when such use and occupancy is consistent with federal, state, and local laws and regulations and does not interfere with the primary purpose of the highway. This chapter presents the statutes and regulations, policy guidance, interagency agreements, technical guidance, and permits applicable to utilities accommodation.

### 810.02 Applicable Statutes and Regulations

The following statutes and regulations are applicable to utilities accommodation. See **Appendix D** for a list of statutes referenced in the EPM.

#### (1) **CFR Title 23 – Accommodating Utility Facilities**

Title 23 of the Code of Federal Regulations implements and carries out the provisions of federal law relating to the administration of federal aid for highways. Subpart A of Part 645 of 23 CFR prescribes the policies, procedures, and reimbursement provisions for the adjustment and relocation of utility facilities on federally aided projects, and Subpart B prescribes policies and procedures for accommodating utility facilities and private lines on the right of way of federally aided projects. (For more information on utility relocation and reimbursement, see **Chapter 470**.) The text of 23 CFR 645 can be found online at:

 [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/23cfr645\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/23cfr645_01.html)

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\*Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the WSDOT Environmental Services Office (ESO) home page: <http://www.wsdot.wa.gov/environment/>

**(2) RCW 47.44 – Franchises on State Highways**

Under this state law, WSDOT may grant franchises to use any state highway for the construction and maintenance of water, flume, gas, oil, or coal pipes; telephone, telegraph, and power lines and conduits; trams or railways; and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, other state agency or department, and any other such facilities. RCW 47.44 is online at:

☞ <http://www1.leg.wa.gov/CodeReviser>

Click on The Revised Code of Washington (RCW), then Title 47, then 47.44.

Or by direct link:

☞ <http://apps.leg.wa.gov/RCW/default.aspx?cite=47.44>

**(3) WAC 468-34 – Utility Franchises and Permits**

This section of the Washington Administrative Code relating to WSDOT establishes procedures related to granting utility permits and franchises on WSDOT rights-of-way.

☞ <http://www1.leg.wa.gov/CodeReviser>

Click on Washington Administrative Code (WAC), then Title 468, then 468-34.

Or by direct link:

☞ <http://apps.leg.wa.gov/WAC/default.aspx?cite=468-34>

**810.03 Policy Guidance**

To assist those involved in implementing CFR Title 23, FHWA has published a program guide, *Utility Relocation and Accommodation on Federal Aid Projects*. (For more information on utility relocation and reimbursement, see **Chapter 470**.) The program guide is available on line at:

☞ <http://www.fhwa.dot.gov/reports/utilguid/>

WSDOT's *Utilities Accommodation Policy* (M 22-86) was established in cooperation with the utility industry. It follows AASHTO policy guidelines on accommodating utilities within highway and freeway rights-of-way, and is in compliance with state laws and regulations governing the accommodation of utility facilities and with federal aid policies and procedures. Its objective is to prescribe the means by which utility installations, when located in a manner not interfering with the free and safe flow of traffic, or otherwise impairing the highway or its visual quality, may be accommodated within state highway rights-of-way. The policy is online at:

☞ <http://www.wsdot.wa.gov/Publications/Manuals/M22-86.htm>

## 810.04 Interagency Agreements

WSDOT has a Memorandum of Understanding with the U.S. Forest Service (USFS), relating to highways over national forest lands. The MOU identifies procedures for WSDOT and USFS to follow in allowing utilities within a highway right of way that crosses the National Forest boundary. The MOU is online via WSDOT's Environmental Services Office Web site:

☞ <http://www.wsdot.wa.gov/environment/compliance/agreements.htm>

A Memorandum of Understanding between WSDOT and the Washington Utility Coordination Council (WUCC) related to Scenic Classification for Utilities Accommodation on State Highway Rights of Way establishes the continued operation and upgrading of the scenic classification system as described in WAC 468-34-330. This MOU is part of the WSDOT *Utilities Accommodation Policy* (M-22-86) noted in **Section 810.03**.

## 810.05 Technical Guidance

### (1) *WSDOT Utilities Manual*

WSDOT's *Utilities Manual* (M 22-87) describes general practices, policies, and procedures with respect to agreements, permits, and franchises between WSDOT and other entities, including those using WSDOT's right of way and those affected by WSDOT projects. Chapter 2 gives specific guidance for utility agreements.

The *Utilities Manual* includes detailed procedures and samples for preparing preliminary engineering agreements and construction agreements. The *Utilities Manual* is available online at:

☞ <http://www.wsdot.wa.gov/Publications/Manuals/M22-87.htm>

The manual also includes information on approval authority, utility property rights, authorization to proceed, extra work, administrative and supervisory responsibility, inspection and records, and checklists for utility contracts and regional review.

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

### (2) *WSDOT Design Manual*

In Section 1410, Right of Way Considerations, WSDOT's *Design Manual* (M 22-01) describes the Region's responsibility to ascertain ownership of all utilities and arrange for necessary adjustment, including relocation of portions of the utility if necessary. Provisions for relocation or adjustment are included in the PS&E plans when such items are normal construction items and WSDOT is obligated for moving expenses, or when the utility requests that relocation be performed by WSDOT, and the Director of

Environmental and Engineering Programs or Region Administrator has approved the request. Readjustment may require WSDOT to purchase substitute rights of way or easements for eventual transfer to the utility. Such right of way or easements must be shown on the ROW plans with the same engineering detail as for highway right of way. The *Design Manual* is available online at:

 <http://www.wsdot.wa.gov/Publications/Manuals/M22-01.htm>

## 810.06 Permits

For highways crossing state or federally owned land, utility easements may be required.

### (1) *Federal Land*

See **Section 520.13** for information on obtaining easements from the USFS, BLM, or NPS.

### (2) *State Land*

See **Section 540.17** for information on obtaining easements from WDNR.

## 810.07 Exhibits

None.

- 820.01 Introduction
- 820.02 Environmental Considerations in Surplus Real Property Disposal
- 820.03 Non-Road Project Requirements
- 820.04 Exhibits

### Key to Icons

 Web site.\*

### 820.01 Introduction

This chapter reviews the environmental issues to be addressed when WSDOT is considering disposal of real property. Procedures are given in the *Right of Way Manual* (M 26-01), Chapter 11, Property Management.

WSDOT may determine that a real property owned and under the jurisdiction of WSDOT is no longer required for transportation purposes. If it is in the public interest, WSDOT may dispose of the property by sale or exchange to entities listed in the *Right of Way Manual*, or as detailed in RCW 47.12.063.

Region Real Estate Services (RES) offices periodically review the properties they manage and determine if any should be declared surplus by preparing and circulating a disposal review package through various disciplines of WSDOT, including the Region environmental staff. The Region environmental staff review the property for consideration of the environmental issues listed in **Section 820.02**. If the Region review results in a recommendation to dispose of the property, the Region RES office submits the disposal package to the Headquarters Real Estate Services Office. The package is then routed to the Environmental Services Office (ESO) and other Headquarters Offices for review, approval, and comments.

### 820.02 Environmental Considerations in Surplus Real Property Disposal

The Regional Office review of property considered for disposal includes completion of an Environmental Checklist (**Exhibit 820-1**). Property is not appropriate for disposal if:

- It is suitable for retention to restore, preserve, or improve the scenic beauty adjacent to the highway. See **Chapter 459** for background on scenic quality.
- It is suitable for inclusion in WSDOT's wetlands inventory. See **Chapter 431** for background on wetland requirements.

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- It is needed for a park and ride lot, flyer stop, or similar facility to accommodate high occupancy vehicles.
- Hazardous material is present on the site or any necessary cleanup has not been completed. See **Chapter 447** for background on hazardous material requirements.

If any of these environmental uses for the property become evident during the regional office review, Headquarters does not become involved. If the property is not suitable for these uses and the Region recommends disposal, the Environmental Checklist and other documents listed in the *Right of Way Manual*, Chapter 11, are submitted to Headquarters by Real Estate Services.

### **Disposal of Pit Sites**

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)
- 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 Real Estate Services 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 ESO and Attorney General's office are consulted for assessment, remediation, and determination of liability. See **Section 447.05** for background technical guidance.

## **820.03 Non-Road Project Requirements**

Procedural requirements for property used by ferry, aviation, and rail facilities are the same as described above for highways.

## **820.04 Exhibits**

Exhibit 820-1 Environmental Checklist for Surplus Property Disposals



**Environmental Checklist for Surplus Property Disposals**

I.C. Number	Project	Date
<p>1. Type of Review <input type="checkbox"/> Field <input type="checkbox"/> Office</p> <p>2. Past or Recent Land Use <input type="checkbox"/> Pasture/Crop <input type="checkbox"/> Pit/Stock Piles <input type="checkbox"/> Other  <input type="checkbox"/> Residential/Business <input type="checkbox"/> Undeveloped Roadside</p> <p>Describe Use _____</p>		
3. Describe existing vegetation at the site (including type and size of trees if known) _____		
4. Describe the topography of the site (Flat, gently or steeply sloping, hummocky, etc.) _____		
5. Is surface water present on or near the property? <input type="checkbox"/> Yes <input type="checkbox"/> No What Type? (River, lake, pond etc.) _____ How close? _____		
6. Is there wetland on or adjacent to this site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure Describe _____		
7. Does it appear that the site holds surface water at any time during the year? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe _____		
8. Does the site have potential as a future wetland mitigation site? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe _____		
9. Is there evidence of potential hazardous materials? (Fuel tanks, dump sites, asphalt waste, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No Describe _____		
10. Could this site be used for future storm water treatment or storage needs? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Describe _____		
11. Could this site have potential for reducing or maintaining reduced traffic noise levels? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**Recommendation and Review**

Do You Recommend Disposal?

Yes Explain \_\_\_\_\_

No Explain \_\_\_\_\_

See Attached \_\_\_\_\_

Recommendation By \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_

Specialty Review By \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_

Specialty Review By \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_

DOT Form 220-015 EF  
9/97



## ***Chapter 890 Implementing Environmental Commitments***

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- 890.01 Introduction
- 890.02 Accommodation of Utilities
- 890.03 Disposal of Surplus Property
- 890.04 Exhibits

### **890.01 Introduction**

This chapter reviews actions necessary to ensure that environmental commitments are addressed in the accommodation of utilities within WSDOT right of way and the disposal of surplus real property.

### **890.02 Accommodation of Utilities**

There are two important aspects of ensuring that utility work done in WSDOT's right of way fulfills our environmental commitments. First, it is important that any work done in the right of way must comply with the requirements listed in **Part 4** and **Part 5** of this manual. Most work in the right of way will not trigger those requirements. However, where applicable, the utility must use appropriate BMPs to protect water quality and ESA habitats. The utility is responsible for obtaining and complying with any required permits for the work.

Second, WSDOT makes some commitments, such as wetland mitigation, that continue in perpetuity. Utility work cannot disturb those areas without prior approval from WSDOT and the resource agency to which the commitment was made. Contact regional environmental staff for the location of such sites.

### **890.03 Disposal of Surplus Property**

Environmental requirements for the disposal of surplus property are found in **Chapter 820**. Normally properties for which WSDOT has made commitments (such as mitigation sites) are not sold.

### **890.04 Exhibits**

None.

