

# HOUSE BILL REPORT

## SSB 5273

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**As Reported By House Committee On:**  
Transportation

**Title:** An act relating to a scenic byways designation program.

**Brief Description:** Creating a scenic byways designation program.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser).

**Brief History:**

**Committee Activity:**

Transportation: 3/30/99, 4/5/99 [DPA].

### Brief Summary of Substitute Bill (As Amended by House Committee)

- Allows local routes to voluntarily participate in the scenic byways program - only state routes are currently allowed to be a scenic highway.
- Updates the 1967 criteria to be contemporary and to reflect changes in the Transportation Equity Act of the 21st Century (TEA-21).
- Scenic byway criteria will not regulate privately owned lands or property rights.
- A de-designation process is created that can be initiated at the state or local level. De-designation results in discontinued state support for the route.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended. Signed by 22 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Buck.

**Staff:** Ashley Probart (786-7319).

**Background:**

The Transportation Equity Act of the 21st Century (TEA-21) continues the national *scenic byways* grant program that was created in 1991. This act requires all routes that are nominated as scenic byways to be officially designated by a state process. Currently only state highways with the designation *scenic and recreational highway* are eligible to compete for federal funding and recognition under the national program. Current state law does not allow local routes with similar characteristics and qualities to participate in the program.

Current law directs the Department of Transportation (WSDOT) to develop a scenic and recreational highways program that may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity while protecting the scenic and recreational quality surrounding state highways. Many of these scenic and recreational highways were first designated in 1967 and additions to the system were included in 1993.

In 1995, the report, Defining Washington's Heritage Programs, made several recommendations on the management of a statewide scenic byways program which were adopted by the Transportation Commission. They included making local routes eligible for the program, revising the designation criteria to be contemporary with ISTEA (now TEA-21), and to provide for a *de-designation process* if a route no longer possesses the intrinsic qualities that supported its initial designation.

During this same time, communities have requested WSDOT to reevaluate several non-designated state highways for inclusion in the system.

The Defining Washington's Heritage Programs report and community requests are the basis for this legislation.

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**Summary of Amended Bill:**

A *scenic byway* designation program is created that includes both state and local transportation routes.

The nomination for a scenic byway can be either from the state, local jurisdictions, or organizations that receive demonstrated public support from the communities along

the route. The nominating entity is responsible for the costs associated with the nomination. Participation in the program is voluntary.

Authority for designation of a scenic byway is the responsibility of the Transportation Commission. Byways so designated do not become part of the scenic and recreational highway system (state-owned highways) unless approved by the Legislature. De-designation of a route can occur if it no longer possesses the intrinsic qualities that supported its initial designation. De-designation results in discontinued state support for the route. De-designation may be initiated at the local or state level.

The original criteria for the selection of a scenic byway are repealed. By December 31, 1999, the WSDOT is required, in consultation with numerous agencies and organizations, to develop criteria for assessing scenic byways and heritage tour routes. The criteria are to include an appropriate method for the nomination and application for designation or de-designation of the byways.

The criteria is also clarified to state that it will not impose or require regulation of privately owned lands, or property rights.

The WSDOT is authorized to designate eligible state highways as scenic byways on an interim basis, but only for the purposes of leveraging federal planning grant funds.

Technical corrections are made to reflect changes in funding programs at the federal level.

It is now optional for the WSDOT and the Parks and Recreation Commission to include byways on state maps or other relevant, descriptive materials.

**Amended Bill Compared to Substitute Bill:** The criteria is also clarified to state that it will not impose or require regulation of privately owned lands, or property rights.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There are many local routes that are just as beautiful as state highways and should be able to compete for federal funds and technical assistance. This bill is customer driven and creates a level playing field for the state and local jurisdictions.

**Testimony Against:** None.

**Testified:** Judy Lorenzo, Washington State Department of Transportation; and Steve Sugg, city of University Place.