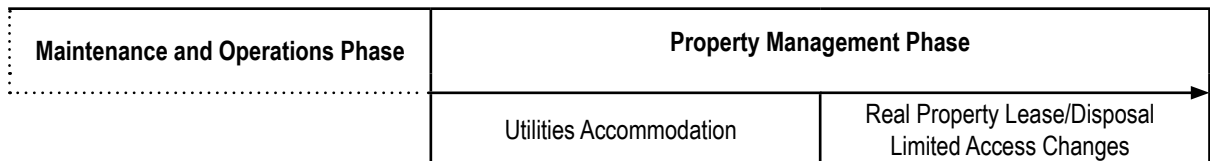


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**800.01 Overview**

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

**Exhibit 800-1 Property Management Phase**



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 [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 Federal Highway Administration (FHWA) and is consistent with state law and the American Association of State Highway and Transportation Officials (AASHTO) guidelines.

Utility companies may request permission from WSDOT to install their facilities within the state rights of way under WSDOT-issued permits or franchises. These projects are almost always funded by the utility. The process is described in [Utilities Manual Chapter 1](#). Utility funded projects are exempt from SEPA per [WAC 197-11-800\(23\)](#). In addition, utility projects seldom have a federal nexus and typically don't trigger NEPA review unless proposed within interstate rights of way. When proposed within the interstate system, FHWA will require NEPA, ESA, and Section 106 compliance, as listed in the [Utilities Manual Section 120.12](#). To ensure your project is in compliance, coordinate review efforts with the Region Utilities Office.

### **800.02(1) Utility work performed as part of WSDOT projects**

*Design Manual* [Chapter 510](#) describes the region's responsibility to identify ownership of all utilities and arrange for necessary utility conflict mitigation, including relocation, if necessary.

*Utilities Manual* [Chapter 6](#) describes general practices, policies, and procedures with respect to coordinating WSDOT project with utilities when a utility company's facilities are impacted. It includes detailed procedures and examples for preparing PE agreements and construction agreements. It also includes information on roles and responsibilities, necessary agreements, cost responsibilities, environmental permitting and documentation, project award, and subsurface utility engineering.

For WSDOT projects, potential impacts to utilities must be disclosed during the environmental documentation phase. 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](#) and *Utilities Manual* [Section 600.09\(4\)](#) for guidance.

### **800.03 Environmental considerations in real property disposal/lease**

WSDOT may determine that 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 [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 determines it is appropriate to sell or lease the reviewed properties, Real Estate Services (RES) completes the necessary steps to complete the transaction as further detailed in [Chapter 11](#) ([Chapter 7](#) of the new ROW Manual) of the *Right of Way Manual*.

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 property being considered for lease or disposal is located within the right of way of an interstate highway or within the project limits of any project that FHWA reserves stewardship over.
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 transactions on non-interstate facilities sold/leased at fair market value.

Property is not appropriate for lease or disposal if:

- It is suitable 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. If a lease/disposal is denied for any of these uses, region management should be involved to discuss the cost analysis required to retain the property, which may include assessments, ongoing costs to clear the property of illegal dumping or cleaning of frequent unsheltered encampments.

The Region/Modal Environmental Manager will determine the appropriate level of environmental documentation and resources to be expended for each property review. A review of the property includes completion of the Environmental Checklist for WSDOT Property (Form 220-015). Should the checklist not provide enough information, an Environmental Classification Summary (ECS) form must 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 electronic engineering review for disposal/lease file.
- Completion of an Environmental Checklist for WSDOT Property (Form 220-015 or ECS).

- Completion of a WSDOT Local Programs or state ECS. If this option is chosen, the Region/Modal Environmental Office must attach a copy of the ECS to the RES-ER ECM 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 RES-ER ECM 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 for WSDOT Property 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 (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 RES Manager (outside the operating right of way), and 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 and transportation ([Chapter 455](#)), 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 (Form 220-015) or complete the Access Request Checklist following the procedure described in *Design Manual* [Chapter 530](#).

See *Design Manual* [Chapter 520](#) for a general description of the types of access control on state highways, their purpose, and uses. See *Design Manual* [Chapter 530](#) or the [Access and Hearings](#) webpage 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
- [23 CFR 710.409](#) Disposal of excess real property
- [23 CFR 710.405](#) ROW use agreements
- [Chapter 47.44 RCW](#) Franchises on State Highways
- [Chapter 47.52 RCW](#) Limited Access Facilities
- [RCW 47.12.120](#) Lease of Unused Highway Land or Air Space
- [RCW 47.12.063](#) Surplus Real Property Program (disposal)
- [Chapter 468-34 WAC](#) Utility Lines – Franchises and Permits
- Highways Over National Forest Lands MOU with the United States Forest Service

## 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
RCW	Revised Code of Washington
RES	Real Estate Services
RES-ER ECM	Real Estate Services Electronic Review Software within WSDOT's Electronic Content Management (ECM) system
ROW	Right of Way
WAC	Washington Administrative Code

## 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.

**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 Chapter 520* for a policy guidance, implementing regulations, a description of the types of access control, their uses and benefits.

**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 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 *Utilities Manual Chapter 2*).

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