Chapter 950 Public Art

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950.01 General

Public art is an enhancement to a functional element, feature, or place within a transportation corridor to provide visual interest. The enhancement could be an addition to a functional element, integrated into a design, implemented as a form of community-identified mitigation or for purely aesthetic purposes.

An element is considered "public art" if it is beyond WSDOT standard practice for architectural treatment.

There has been a growing interest on the part of communities to use art within the transportation facilities of the Washington State Department of Transportation (WSDOT). While public art can be a form of community-identified mitigation for a project's impacts, it can also be implemented as a standalone element. Public art can be used to provide visual interest along roadsides, make unique statements about community character, and create a positive public response that will last over time.

Proponents for public art might be local agencies, engaged citizens' groups, and representatives of impacted overburdened and vulnerable populations with interest in the outcome of a WSDOT project. The environmental and Community Engagement processes offer opportunities for community partnership on the visual and aesthetic qualities of a corridor. These processes also provide an opportunity to identify the need and form of potential community-identified mitigation measures (as required by federal and state law) that can address a project's potential negative impacts to local communities, including environmental justice communities. Any potential community-identified mitigation must be reasonable, relative to the project's impact and negotiated in good faith with the affected community.

The public art policy in this chapter is intended to: provide guidance for managing public art on WSDOT facilities and within its rights of way; reinforce the existing policy in the Roadside Policy Manual; designate appropriate locations for the incorporation of public art features; and provide for the consistent use of statewide development, review, and approval processes on new and existing features. The community-identified mitigation elements within this chapter are intended to provide broader understanding of obligations under Federal and State law to mitigate for project impacts to communities and possible forms of mitigation for these impacts.

The appropriateness of public art is frequently dependent upon its location and composition. For example, an art piece or feature chosen for the back side of a noise wall, at a safety rest area, or along a bike path may not be suitable at the end of a freeway ramp or along the main line of a highway. In addition to appropriate placement, WSDOT must balance the requests for proposed public art projects with the need to provide corridor continuity, improve the unity of highway elements, and provide roadsides that do not divert motorists' attention from driving.

While some local jurisdictions dedicate a percentage of their project budgets for art, WSDOT has no such dedicated funding.

Section 40 of the State Constitution specifies that gas tax money must be used for a "highway purpose." Therefore, public art beyond WSDOT standard design is typically funded by communities or other entities

outside of WSDOT. However, public art as community-identified mitigation or other forms of community-mitigation outlined below, associated with project impacts are identified through NEPA/SEPA processes and may be funded by WSDOT.

When city or community entrance markers are proposed, this policy should be used in conjunction with the guidance contained in Chapter 1600, Roadside Safety, the Traffic Manual, and the Roadside Policy Manual.

950.02 References

950.02(1) Federal/State Laws and Codes

Chapter 47.42 Revised Code of Washington (RCW), Highway advertising control act – Scenic vistas act

950.02(2) Design Guidance

Bridge Design Manual, M 23-50, WSDOT

Roadside Policy Manual, M 25-31, WSDOT

950.02(3) Supporting Information

A Guide for Achieving Flexibility in Highway Design, AASHTO, 2004

Flexibility in Highway Design, FHWA, 1997

Roadside Manual, M 25-30, WSDOT

Traffic Manual, M 51-02, WSDOT

Understanding Flexibility in Transportation Design – Washington, WSDOT, 2005

www.wsdot.wa.gov/research/reports/600/638.1.htm

950.03 Standard Architectural Design

WSDOT's public art policy does not apply to the standard design of transportation architectural elements such as simple geometric patterns; combinations of WSDOT standard concrete formliners; contrasting pavement patterns or colors in crosswalks or roundabouts; or earth- tone colors on structures or barriers.

To discuss the details of proposed public art projects, contact the State Bridge and Structures Architect, and the region or Headquarters (HQ) Landscape Architect for regions without a Landscape Architect. They are key members of the Public Art Specialty Services Team (described in Section 950.05) and can answer questions and assist in determining an appropriate course of action.

950.04 Criteria for Public Art

950.04(1) Acceptable Public Art Features

Public art must be in compliance with WSDOT corridor guidelines, such as the Mountains to Sound Greenway Implementation Plan or the I-90 Architectural Design Standards, and existing policies such as the Roadside Policy Manual and the Bridge Design Manual.

The following are examples of types and locations of acceptable public art features:

- Concrete surface treatments (beyond WSDOT standard)

- Colored paving/colored pavers/scoring patterns (beyond WSDOT standard)
- Specially designed benches, trash cans, planters, or other street furnishings
- Soft lighting and lighting fixtures
- Small-scale sculptures or art pieces (when not viewed from the main line)
- Attachments to decorative railings, light poles, or fences
- Decorative bus shelters

950.04(1)(a) City Entrance Markers on Structures over the Interstate

In order for a city to mount an entrance marker on a structure over the Interstate, the applicant must meet the following criteria in addition to other requirements set forth in this Chapter.

- Limited to existing structures. No new overhead structures will be added to allow city entrance markers.
- Cannot be placed on structures with existing traffic control devices such as signals, guide signs, warning signs, regulatory signs, or variable message signs.
- The requesting agency enters into an airspace lease for use of WSDOT right-of-way. The airspace lease must include the removal of the item after its useful life and indicate the requesting agency is responsible for all cost for plan review, design, construction, maintenance, repair (including vandalism or damage), and damage to WSDOT property as the result of construction, maintenance, or repair.
- The proposed design meets Bridge & Structure Office design criteria on loading and clearance and is consistent with current WSDOT structural design details. The Bridge and Structures Office is responsible for review and approved of the design prior to installation.
- Display the name of a city only. Must be near or inside city limits.
- No phone numbers or web links can be displayed on the entrance marker.
- The entrance marker cannot be made of a material that has a short lifespan (such as a fabric or canvas banner) or requires routine maintenance. Maintenance of lighting is allowed during the lifespan.
- Should be centered on the direction of travel side of the structure.
- Distance from other existing traffic control signs both upstream and downstream must be at least 500 feet.
- Sight distance is not restricted.
- WSDOT will inspect the entrance marker as part of the bridge inspection program. The requesting agency is also responsible for all cost associated with addressing items found during the inspection. Once the need for maintenance is determined, the items must be addressed within 90 days of notification. Otherwise, the entrance marker will be repaired or removed by the WSDOT at the cost of the requesting agency.
- Must be relocated or removed by WSDOT at the cost of the requesting agency if the WSDOT structure is removed, rebuilt, needed for traffic control signing, or relocated, as directed by WSDOT.
- Requesting agency is also responsible for damages to the structure due to placement or maintenance of the city marker.
- No additional items may be attached to or hung from the display after approval. Any such items must be removed by the requesting agency.
- Does not obstruct pedestrian or cyclist's clearance, visibility, and/or stopping sight distance.
- The city entrance marker has no moving parts, lights, design, or materials that may create glare or distraction. Decorative accents may be allowed but cannot be distracting to drivers per Section 950.04(2).
- Muted, non-MUTCD sign related colors may be used.
- Approval of the entrance marker is granted through the Public Art Plan process.

950.04(2) Unacceptable Public Art Features

The following are examples of unacceptable public art features:

- Kinetic sculptures
- Brightly lit or flashing art
- Art that poses a safety risk or liability
- Large sculptures (the size is relative to its context and location in the landscape)
- Art with highly reflective qualities or adverse colors
- Art that is a distraction to drivers or out of context with the surroundings
- Art with a topic/theme that could cause negative public reaction
- Art that resembles a traffic control device
- Art that contains advertising

950.05 Community-Identified Mitigation

Community-identified mitigation measures that address direct transportation impacts (as required by Federal and State laws) are commitments developed through the NEPA/SEPA process. These types of mitigation measures are different from proposals that go through the public art process. Community-identified mitigation measures are developed through extensive community engagement where the Department determines reasonable project related mitigation through good faith negotiations with the affected community. These reasonable mitigation measures[5] must be appropriate relative to the project's level of impact on the affected community.

Refer to the Environmental Manual Chapters 458, 459 and 460 for policy direction that support mitigating project impacts to the human environment (community) and natural environment through the NEPA/SEPA process.

950.06 Process and Project Delivery Timing

Begin the development and review of public art or community-identified mitigation early in the design process and conduct subsequent reviews during the course of its development. Do not include public art as a change order or addendum to a project without first having gone through the process described in this policy.

A public art plan is developed to incorporate public art into projects on state highways. Include the review of the public art plan by the Public Art Specialty Services Team in project reviews (See 950.06(2)).

[5] Mitigation measures are not limited to public art and may include other mitigating actions (e.g. benches, kiosks, lighting, signage, hotel vouchers for noise during construction, etc.) that are deemed reasonable through stated negotiations.

950.06(1) Public Art Plan

The public art plan is developed by the Project Engineer's Office or by the local artist or community sponsoring the proposal. The plan provides enough detail and description to convey the intent of the proposed art project. The plan documents how the proposed art meets the criteria listed in Section 950.04 and includes the following elements:

- Cover sheet with appropriate approval signatures (see Section 950.07).
- Project overview.
- Location of the proposed art.
- Scale drawings of the proposed art, including proposed materials, attachments, and finishes. Any attachments to fencing or structures, or proposed new structures, will require structural engineering calculations.
- All criteria from Section 950.04, Criteria for Public Art, addressed and documented.
- Justification and recommendations for public art.
- Documentation showing support by the local community.

The public art plan, complete with approval signatures, is retained in the Design Documentation Package (DDP). Without an approved public art plan, a Maintenance Agreement (as appropriate), and funding, the "art" will not be constructed or installed.

950.06(2) Public Art Specialty Services Team

Include the Public Art Specialty Services Team in the development of public art and the public art plan. The Team includes the following:

- Project Engineer or a designee (if the art is included in a project)
- State Bridge and Structures Architect
- Region or HQ Landscape Architect
- HQ Transportation Operations Design Engineer
- Region Traffic Engineer
- Region Local Programs Engineer (if the proponent is a local community)

For public art proposed within Interstate Limited Access, the following team members are also required:

- Assistant State Design Engineer
- Federal Highway Administration (FHWA) Area Engineer or a designee

Consider team membership from the following functional areas when their expertise is applicable:

- Maintenance
- Planning
- Environmental
- Real Estate Services

950.07 Approvals

950.07(1) Intermediate Approvals

The Public Art Specialty Services Team is responsible for approving the public art; therefore, be sure to involve them in the development of art during the earliest possible phase of project development. This will ensure approvals happen smoothly and WSDOT and FHWA are aware of the public art as soon as possible.

Project development phases include the following:

- Initial Art Concept review: input and approval.
- Selected Art Concept review: input and approval.
- Final Proposed Art review: input and approval.

950.07(2) Final Approval

Approval of the public art plan is considered approval for the public art. The public art plan cover letter needs to include the following approval signatures as appropriate.

950.07(2)(a) Interstate

Public art on the Interstate is approved by:

- Project Engineer or a designee (if the art is included in a project)
- State Bridge and Structures Architect
- Region or HQ Landscape Architect
- Region Traffic Engineer
- Region Local Programs Engineer (if the proponent is a local community)
- Assistant State Design Engineer
- Region Administrator or designee
- FHWA Area Engineer or designee

950.07(2)(b) All Other Highways

Public art for all other highways is approved by:

- Project Engineer or a designee (if the art is included in a project)
- State Bridge and Structures Architect
- Region or HQ Landscape Architect
- Region Traffic Engineer
- Region Local Programs Engineer (if the proponent is a local community)
- Region Administrator or designee