TO: Secretary, Washington State Department of Transportation
FROM: HEAL Act Program Sponsors
SUBJECT: Request for Case-Specific HEAL Act Exemption — Motorist Information Sign Program Agency Request Legislation
DATE: September 10, 2026

Decision Requested

Approval of a case-specific significant agency action exemption under RCW 70A.02.120(2)(b) from the environmental justice assessment (EJA) requirement for the Motorist Information Sign Program's agency request legislation.

Background

At the direction of the Governor's Office, WSDOT is developing an Agency Request Legislation (ARL) proposal to change the authority for fee collection of the Motorist Information Sign Program from a cost-recovery structure to a revenue-generating structure. Additionally, the ARL will allow the MIS program to expand the types of motorist services available for advertising.

The proposed law change would provide WSDOT with the authority to update fees and make changes to rules (WAC). The bill is technical in nature, updating the authority and modernizing the statute to reflect traveler realities. The significant agency action would occur through the rule-making process, when fees are potentially changed, as this could impact business interests and information available to the public.

Basis for the Exemption

RCW 70A.02.120(2)(b) authorizes the head of a covered agency, on a case-by-case basis, to exempt a significant agency action from the requirements of RCW 70A.02.060 and 70A.02.080 when an EJA would delay a significant agency decision concerning the assessment, collection, or administration of revenue.

The proposed legislation concerns the administration of a program intended to generate revenue. Requiring completion of the EJA process before submission would delay the significant agency decision to submit the legislative proposal that would allow WSDOT to collect revenue under the Motorist Information Sign Program and could prevent WSDOT from meeting the applicable agency request legislation deadline.

The proposed legislation is not yet law and, after submittal, may be modified or not enacted by the legislature. Any legislative action on the proposed legislation would involve a hearing or other opportunity for public comment. Conducting extensive engagement at this stage could require communities to evaluate a hypothetical framework before the legislature establishes the program's final authority and parameters.

If the legislation is enacted, WSDOT expects that implementing rulemaking will provide a more concrete and meaningful opportunity to engage affected small businesses, overburdened communities, vulnerable populations, and Tribal governments. At that stage, community and Tribal input can directly inform the program's implementation, including fees, procedures, impacts, and mitigation measures.

Concentrating engagement during the rulemaking process would allow WSDOT to seek input when it can have the greatest influence, avoid unnecessarily duplicative outreach, reduce participation burdens on affected communities, and use agency resources efficiently.

Commitments

If the exemption is approved, WSDOT will:

- Document the circumstances supporting the exemption and the Secretary's decision.
- Publish notice of the exemption through the applicable OFM and WSDOT environmental justice assessment webpages.
- Clearly identify the need for meaningful community engagement and Tribal consultation if the legislation advances.
- Should the bill pass, evaluate the implementing rulemaking as a Significant Agency Action and complete an EJA at the time of impact.

Requested Determination

HEAL Act Program Sponsors respectfully request that the Secretary determine, pursuant to RCW 70A.02.120(2)(b), that completing the EJA requirements for this Agency Request Legislation would delay a significant agency decision concerning the administration of revenue and approve a case-specific exemption.

Secretary's determination:

X Approved
☐ Denied
☐ Additional information requested

Signature: , Deputy Secretary on behalf of Secretary Meredith

Date: August 10, 2026