

RCW 47.01.500 Design and construction of bridges across navigable rivers or waterways—Feasibility report on public access.

(1) During the design process for state highway projects that include the construction of a new bridge or reconstruction of an existing bridge across a navigable river or waterway, excluding limited access highways and ferry terminals, the department must consider and report on the feasibility of providing a means of public access to the navigable river or waterway for public recreational purposes. The report must document whether the proposed project is in an area identified by state or local plans to be a priority for recreational access to waterways. If the proposed project is in an area identified by state or local plans to be a priority for recreational access to waterways, the department must coordinate with other relevant state agencies or local agencies to ensure consistency with the identified recreational plan.

(2) To the greatest extent practicable, when constructing a state highway project, including a major improvement project, the department must not adversely impact preexisting, lawful public access to a waterway.

(3) A consideration of feasibility must include a description of the suitability for public use, implications associated with potential access, and the availability of alternate public access within a reasonable distance, if present. A consideration of feasibility must not alter the purpose and need for the proposed transportation project or create any legal obligation to modify existing recreational access from state highway facilities. If public access to waterways is deemed feasible, any subsequent development must be conclusively deemed for recreational purposes notwithstanding such facilities' relationship to transportation facilities. Findings that improvements are not feasible do not require the alteration of any existing or historic access.

(4) This section must not be interpreted to: Delay decision making or approvals on proposed state transportation improvement projects, or limit the department's entitlement to recreational immunity consistent with chapter 4.24 RCW. [2016 c 34 s 2.]

Legislative recognition, direction—2016 c 34: "The legislature recognizes that the department of transportation considers public access, including recreational trails and paths, when planning and designing new highway facilities consistent with chapters 47.30 and 90.58 RCW and RCW 79A.35.120. The legislature directs the department of transportation to explore the feasibility of providing access for water-related recreation." [2016 c 34 s 1.]