
SUBSTITUTE SENATE BILL 5395

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Skratek and Erwin)

Read first time 03/03/93.

1 AN ACT Relating to public involvement in transportation planning;
2 adding a new chapter to Title 47 RCW; and adding a new section to
3 chapter 4.24 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that public
6 involvement in the planning and design of transportation projects is a
7 critical element in developing a state-wide transportation system
8 responsive to the needs of the public. The department presently
9 provides news releases, newsletters, and opportunities to comment at
10 public hearings before project construction, but these processes
11 primarily occur after a determination of project necessity has already
12 been made. Citizens who may be adversely impacted by the proposed
13 project can express their concerns in the public hearings process, but
14 this process does not provide the public with adequate opportunities to
15 participate in the evaluation and selection of alternatives to the
16 proposed project.

17 The legislature finds that current methods of public input may not
18 accurately represent public opinion and sentiment on transportation
19 plans and projects. The legislature further finds that the

1 transportation needs of the citizens of the state are best identified
2 and served by encouraging meaningful public participation and comment
3 at the earliest stages of the transportation planning and design
4 processes.

5 NEW SECTION. **Sec. 2.** (1) The department is authorized to actively
6 solicit public input concerning transportation plans and selected
7 transportation projects. On those projects that the department chooses
8 for heightened public involvement, the department shall use one or more
9 techniques, including holding informational meetings, conducting
10 "visioning" workshops, distributing and receiving written surveys,
11 conducting telephone surveys, or employing other techniques, including
12 any modern marketing techniques, that the department believes will
13 accomplish the purposes of this chapter. These activities should be
14 done before selecting a preferred transportation solution or
15 alternative and should seek to ensure response by a representative
16 sample of citizens impacted by the proposed transportation plans or
17 projects. It is the intent of the legislature that all information
18 gathered under this chapter be incorporated into the department's
19 transportation planning process at an early and meaningful stage of
20 deliberation.

21 (2) To the extent practical, the department's public involvement in
22 transportation planning shall be coordinated and integrated with public
23 involvement processes carried out by regional transportation planning
24 organizations under chapter 47.80 RCW and local governments under
25 chapter 36.70A RCW.

26 (3) The department may employ consultants or marketing specialists
27 to conduct activities required under this chapter only upon a finding
28 that the activities require specialized knowledge, skill, or
29 technology, and that the activities cannot be accomplished with
30 existing departmental resources.

31 NEW SECTION. **Sec. 3.** The department may select transportation
32 projects for the heightened public involvement process described in
33 section 2 of this act on projects that: (1) Disrupt or displace a
34 substantial number of people or businesses; (2) substantially improve
35 capacity; (3) substantially alter existing access points to roads or
36 state highways; (4) require acquisition of substantial rights of way;
37 or (5) have an impact on environmentally sensitive areas.

1 NEW SECTION. **Sec. 4.** In addition to the duties outlined in
2 section 2 of this act, the department shall make increased efforts to
3 provide information to the citizens of the state. The department
4 shall:

5 (1) Establish toll-free telephone information lines within each
6 district office that are capable of providing information about
7 proposed transportation projects in the region, and about
8 transportation projects under construction and any resulting traffic
9 rerouting; provide information concerning opportunities for public
10 participation in state-wide, regional, or local transportation
11 planning; and provide a mechanism allowing callers to leave their
12 comments and opinions concerning transportation issues on a recording
13 device;

14 (2) Conduct a state-wide public opinion poll that seeks to identify
15 citizen preferences concerning state-wide modes and methods of
16 transportation. The survey must also seek a citizen evaluation of the
17 department, including a measurement of whether and to what extent the
18 department is meeting its mission statement, goals, and objectives
19 concerning state transportation policy and services.

20 NEW SECTION. **Sec. 5.** No provisions of sections 1 through 3 of
21 this act shall be considered in lieu of the department's legal
22 responsibilities for conducting public hearings and providing
23 opportunities for comment required under state or federal law.

24 NEW SECTION. **Sec. 6.** It is the intent of the legislature that
25 this chapter supplement the department's current legal responsibilities
26 for public input and opportunities to comment. Since this chapter
27 allows the department to conduct activities beyond those currently
28 required under state and federal law, the legislature declares that the
29 department is immune from any suit or legal action brought under this
30 chapter for the department's actions or failure to act in accordance
31 with the optional process described in sections 1 through 3 of this
32 act.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 4.24 RCW
34 to read as follows:

35 It is the purpose of sections 1 through 3 of this act to encourage
36 the free exchange of information between the department of

1 transportation and the citizens of the state. It is recognized that
2 the provisions of sections 1 through 3 of this act are in addition to,
3 and not in lieu of, the department's legal responsibilities for public
4 hearings and opportunities to comment already provided under state and
5 federal law. The legislature finds that aggrieved persons are already
6 provided sufficient opportunity to challenge the legality of the
7 department's actions under other provisions of state and federal law.
8 Therefore, the legislature declares that sections 1 through 3 of this
9 act create no new cause of action against the department, and that the
10 department is immune from civil liability on claims based on the
11 department's actions or failure to act under sections 1 through 3 of
12 this act.

13 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute
14 a new chapter in Title 47 RCW.

15 NEW SECTION. **Sec. 9.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

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