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HOUSE BILL 2097

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State of Washington

63rd Legislature

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By Representatives Taylor, Shea, Overstreet, Scott, Condotta, Haler, Buys, Rodne, Pike, and Magendanz

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1 AN ACT Relating to street, road, highway, and Washington state  
2 ferries facility construction, maintenance, or repair activities  
3 conducted in accordance with best management practices of the  
4 Washington state department of transportation; adding a new section to  
5 chapter 43.21C RCW; adding a new section to chapter 90.58 RCW; adding  
6 a new section to chapter 36.70A RCW; and adding a new section to  
7 chapter 47.28 RCW.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C RCW  
10 to read as follows:

11 (1) New construction, or normal maintenance or repair activities,  
12 for streets, roads, highways, and Washington state ferries facilities  
13 are exempt from compliance with this chapter.

14 (2) This section applies to new construction, or normal maintenance  
15 or repair activities, for streets, roads, highways, and Washington  
16 state ferries facilities conducted by or for counties, cities, or the  
17 Washington state department of transportation in accordance with best  
18 management practices required under section 4 of this act.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 90.58 RCW  
2 to read as follows:

3        (1) Guidelines adopted by the department and master programs  
4 developed or amended by local governments under RCW 90.58.080 do not  
5 require modification of or limit new construction, or normal  
6 maintenance or repair activities, for streets, roads, highways, and  
7 Washington state ferries facilities.

8        (2) This section applies to new construction, or normal maintenance  
9 or repair activities, for streets, roads, highways, and Washington  
10 state ferries facilities conducted by or for counties, cities, or the  
11 Washington state department of transportation in accordance with best  
12 management practices required under section 4 of this act.

13        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 36.70A RCW  
14 to read as follows:

15        (1) Comprehensive plans and development regulations do not require  
16 modification of or limit new construction, or normal maintenance or  
17 repair activities, for streets, roads, highways, and Washington state  
18 ferries facilities.

19        (2) This section applies to new construction, or normal maintenance  
20 or repair activities, for streets, roads, highways, and Washington  
21 state ferries facilities conducted by or for counties, cities, or the  
22 Washington state department of transportation in accordance with best  
23 management practices required under section 4 of this act.

24        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 47.28 RCW  
25 to read as follows:

26        Compliance with applicable environmental standards is presumed,  
27 unless site specific information demonstrates that new construction, or  
28 normal maintenance or repair activities, for streets, roads, highways,  
29 and Washington state ferries facilities conducted by or for the  
30 department causes or contributes to a violation of applicable  
31 environmental standards, when the department is fully implementing  
32 maintenance or repair activity best management practices contained in  
33 maintenance or repair activity manuals approved by the department and  
34 subject to any required environmental review or practices that are  
35 demonstrably equivalent to practices contained in maintenance or repair

1 activity manuals approved by the department and subject to any required  
2 environmental review.

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