**1850-S2.E AMS KING S3026.1 - NOT FOR FLOOR USE**

**E2SHB 1850** - S AMD **409**

By Senator King

**ADOPTED 4/15/2015**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  To ensure that vital maintenance and minor safety upgrades to state transportation facilities are efficiently achieved, the legislature finds that regulatory reviews under chapter 90.58 RCW should be reformed. The activities of the department of transportation are guided by manuals and standards of practice designed to effectively avoid and minimize impacts to the environment. These activities are also subject to periodically renewed programmatic permits from federal agencies, the department of fish and wildlife, and the department of ecology water quality program. Adding local permits or letters of exemption under the shoreline management act does not substantively improve the environmental outcomes of this work. Adding these local reviews creates time delays, the imposition of inconsistent standards and manuals, and uncertainty in the permitting process. Therefore, the legislature finds that it is in the public interest to exclude state highway maintenance and minor safety upgrade activities from local review and approval processes under the shoreline management act.

**Sec.**  RCW 90.58.355 and 2012 c 169 s 1 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, ((~~or~~)) variance ((~~shall~~)), letter of exemption, or other review conducted by a local government to implement this chapter do not apply to ((~~any person~~)):

(1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090; ((~~or~~))

(2) Any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities; or

(3)(a) The following department of transportation projects and activities if they meet the conditions of (b) of this subsection:

(i) Maintenance, repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility such as a ferry dock or bus transfer station, including ancillary transportation facilities such as pedestrian/bicycle paths and bike lanes;

(ii) Construction or installation of safety structures and equipment, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade-separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazard/danger tree removal.

(b) Activities exempted under this subsection must occur within the right-of-way of state highway facilities or the lease or ownership area for ferry terminals. For purposes of this section, the replacement of structures and construction or installation of safety structures and equipment does not include new travel lanes or the expansion of transportation facilities. The replacement of structures must be comparable to the original structure, including size, shape, configuration, and location, except to meet current engineering standards or environmental permit requirements."

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**ADOPTED 4/15/2015**

On page 1, line 4 of the title, after "act;" strike the remainder of the title and insert "amending RCW 90.58.355; and creating a new section."

EFFECT: Adds reconstruction, restoration, retrofitting, and replacement of any road, highway, bridge, tunnel, or transit facility that occurs in the right-of-way of state highway facilities to the list of department of transportation projects and activities that are exempt from the shoreline management act permit requirements. Removes the definition of normal maintenance and repair for department of transportation projects for purposes of determining activities exempt from shoreline management act permit requirements.