

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6466

Chapter 258, Laws of 1994

53rd Legislature
1994 Regular Session

TRANSPORTATION PROJECTS COLLABORATIVE PROCESS--
DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL REVIEW

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 6, 1994
YEAS 45 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1994
YEAS 90 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6466** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 1, 1994 - 11:20 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6466

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Prentice, Nelson, Vognild, Hochstatter, Drew, Loveland, Sheldon, Schow, Williams, Erwin and Winsley)

Read first time 02/03/94.

1 AN ACT Relating to environmental processes for the department of
2 transportation; amending RCW 47.01.290 and 47.06.040; adding new
3 sections to chapter 36.70A RCW; adding a new section to chapter 47.01
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
7 to read as follows:

8 The legislature recognizes that there are major transportation
9 projects that affect multiple jurisdictions as to economic development,
10 fiscal influence, environmental consequences, land use implications,
11 and mobility of people and goods. The legislature further recognizes
12 that affected jurisdictions have important interests that must be
13 addressed, and that these jurisdictions' present environmental planning
14 and permitting authority may result in multiple local permits and other
15 requirements being specified for the projects.

16 The legislature finds that the present permitting system may result
17 in segmented and sequential decisions by local governments that do not
18 optimally serve all the parties with an interest in the decisions. The

1 present system may also make more difficult achieving the consistency
2 among plans and actions that is an important aspect of this chapter.

3 It is the intent of the legislature to provide for more efficiency
4 and equity in the decisions of local governments regarding major
5 transportation projects by encouraging coordination or consolidation of
6 the processes for reviewing environmental planning and permitting
7 requirements for those projects. The legislature intends that local
8 governments coordinate their regulatory decisions by considering
9 together the range of local, state, and federal requirements for major
10 transportation projects. Nothing in section 1 or 2 of this act alters
11 the authority of cities or counties under any other planning or
12 permitting statute.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
14 to read as follows:

15 COLLABORATIVE TRANSPORTATION PROJECT REVIEW. For counties engaged
16 in planning under this chapter, there shall be established by December
17 31, 1994, a collaborative process to review and coordinate state and
18 local permits for all transportation projects that cross more than one
19 city or county boundary. This process shall at a minimum, establish a
20 mechanism among affected cities and counties to designate a permit
21 coordinating agency to facilitate multijurisdictional review and
22 approval of such transportation projects.

23 **Sec. 3.** RCW 47.01.290 and 1993 c 55 s 1 are each amended to read
24 as follows:

25 ~~((The state interest component of the state wide transportation
26 plan must include a state public transportation plan that recognizes
27 that while public transportation service is essentially a local
28 responsibility in Washington, there is significant state interest in
29 assuring that viable public transportation services are available
30 throughout the state. The public transportation plan shall:~~

31 ~~(1) Articulate the state vision of and interest in public
32 transportation and provide quantifiable objectives, including benefits
33 indicators;~~

34 ~~(2) Identify the goals for public transportation and the roles of
35 federal, state, regional, and local entities in achieving those goals;~~

36 ~~(3) Recommend mechanisms for coordinating federal, state, regional,
37 and local planning for public transportation;~~

1 ~~(4) Recommend mechanisms for coordinating public transportation~~
2 ~~with other transportation services and modes;~~

3 ~~(5) Recommend criteria, consistent with the goals identified in~~
4 ~~subsection (2) of this section and with RCW 82.44.180 (2) and (3), for~~
5 ~~existing federal authorizations administered by the department to~~
6 ~~transit agencies; and~~

7 ~~(6) Recommend a state-wide public transportation facilities and~~
8 ~~equipment management system as required by federal law.~~

9 ~~In developing the state public transportation plan, the department~~
10 ~~shall involve local jurisdictions, public and private providers of~~
11 ~~public transportation services, nonmotorized interests, and state~~
12 ~~agencies with an interest in public transportation, including but not~~
13 ~~limited to the departments of community development, social and health~~
14 ~~services, and ecology, the state energy office, the office of financial~~
15 ~~management, and the office of the governor.~~

16 ~~The department shall submit an initial report to the legislative~~
17 ~~transportation committee by December 1, 1993, and shall provide annual~~
18 ~~reports summarizing the plan's progress each year thereafter.))~~ The
19 legislature recognizes that environmental review of transportation
20 projects is a continuous process that should begin at the earliest
21 stages of planning and continue through final project construction.
22 Early and extensive involvement of the relevant environmental
23 regulatory authorities is critical in order to avoid significant
24 changes in substantially completed project design and engineering. It
25 is the expectation of the legislature that if a comprehensive
26 environmental approach is integrated throughout various transportation
27 processes, onerous, duplicative, and time-consuming permit processes
28 will be minimized.

29 NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW
30 to read as follows:

31 The department shall, in cooperation with environmental regulatory
32 authorities:

33 (1) Identify and document environmental resources in the
34 development of the state-wide multimodal plan under RCW 47.06.040;

35 (2) Allow for public comment regarding changes to the criteria used
36 for prioritizing projects under chapter 47.05 RCW before final adoption
37 of the changes by the commission;

1 (3) Use an environmental review as part of the project prospectus
2 identifying potential environmental impacts, mitigation, and costs
3 during the early project identification and selection phase, submit the
4 prospectus to the relevant environmental regulatory authorities, and
5 maintain a record of comments and proposed revisions received from the
6 authorities;

7 (4) Actively work with the relevant environmental regulatory
8 authorities during the design alternative analysis process and seek
9 written concurrence from the authorities that they agree with the
10 preferred design alternative selected;

11 (5) Develop a uniform methodology, in consultation with relevant
12 environmental regulatory authorities, for submitting plans and
13 specifications detailing project elements that impact environmental
14 resources, and proposed mitigation measures, to the relevant
15 environmental regulatory authorities during the preliminary
16 specifications and engineering phase of project development;

17 (6) Screen construction projects to determine which projects will
18 require complex or multiple permits. The permitting authorities shall
19 develop methods for initiating review of the permit applications for
20 the projects before the final design of the projects;

21 (7) Conduct special prebid meetings for those projects that are
22 environmentally complex; and

23 (8) Review environmental considerations related to particular
24 projects during the preconstruction meeting held with the contractor
25 who is awarded the bid.

26 **Sec. 5.** RCW 47.06.040 and 1993 c 446 s 4 are each amended to read
27 as follows:

28 The department shall develop a state-wide multimodal transportation
29 plan under RCW 47.01.071(3) and in conformance with federal
30 requirements, to ensure the continued mobility of people and goods
31 within regions and across the state in a safe, cost-effective manner.
32 The state-wide multimodal transportation plan shall consist of:

33 (1) A state-owned facilities component, which shall guide state
34 investment for state highways including bicycle and pedestrian
35 facilities, and state ferries; and

36 (2) A state-interest component, which shall define the state
37 interest in aviation, marine ports and navigation, freight rail,
38 intercity passenger rail, bicycle transportation and pedestrian

1 walkways, and public transportation, and recommend actions in
2 coordination with appropriate public and private transportation
3 providers to ensure that the state interest in these transportation
4 modes is met.

5 The plans developed under each component must be consistent with
6 the state transportation policy plan and with each other, reflect
7 public involvement, be consistent with regional transportation
8 planning, high-capacity transportation planning, and local
9 comprehensive plans prepared under chapter 36.70A RCW, and include
10 analysis of intermodal connections and choices. A primary emphasis for
11 these plans shall be the improvement and integration of all
12 transportation modes to create a seamless intermodal transportation
13 system for people and goods.

14 In the development of the state-wide multimodal transportation
15 plan, the department shall identify and document potential affected
16 environmental resources, including, but not limited to, wetlands, storm
17 water runoff, flooding, air quality, fish passage, and wildlife
18 habitat. The department shall conduct its environmental identification
19 and documentation in coordination with all relevant environmental
20 regulatory authorities, including, but not limited to, local
21 governments. The department shall give the relevant environmental
22 regulatory authorities an opportunity to review the department's
23 environmental plans. The relevant environmental regulatory authorities
24 shall provide comments on the department's environmental plans in a
25 timely manner. Environmental identification and documentation as
26 provided for in section 4 of this act and this section is not intended
27 to create a private right of action or require an environmental impact
28 statement as provided in chapter 43.21C RCW.

29 NEW SECTION. Sec. 6. Section captions used in this act constitute
30 no part of the law.

Passed the Senate March 6, 1994.

Passed the House March 4, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.