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HOUSE BILL 1235

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives R. Fisher, K. Schmidt and Scott

Read first time 01/18/95. Referred to Committee on Transportation.

1            AN ACT Relating to siting of transportation facilities; adding a  
2 new section to chapter 47.80 RCW; adding new sections to chapter 47.06  
3 RCW; and adding a new chapter to Title 47 RCW.

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

5            NEW SECTION.    **Sec. 1.** The legislature recognizes that Washington's  
6 transportation system is owned and operated by federal and state  
7 governments, cities, counties, regional transit agencies, port  
8 districts, and the private sector. The legislature also recognizes  
9 that local, regional, and state governments have the authority to  
10 develop comprehensive transportation plans in coordination with each  
11 other. Sometimes during the planning process, however, pressing  
12 questions emerge that policymakers cannot resolve through existing  
13 regional and local governmental arrangements, including those created  
14 by the Growth Management Act. Under these circumstances, the state has  
15 a compelling interest in asserting its leadership by ensuring that  
16 transportation facilities significant to the state can be sited.

17            NEW SECTION.    **Sec. 2.** (1) The transportation facility siting  
18 council is established consisting of the following members: (a) The

1 secretary of the department of transportation, or a designee; (b) the  
2 director of the department of community, trade, and economic  
3 development, or a designee; (c) a member of the transportation  
4 commission appointed by the governor, who shall be the chair of the  
5 council; (d) two members of the general public with special knowledge  
6 or background in transportation issues, appointed by the governor; and  
7 (e) a member of a growth management hearings board, selected by the  
8 governor and serving in a nonvoting capacity.

9 The two members of the general public who are appointed by the  
10 governor shall serve for staggered four-year terms of office,  
11 calculated from the first day of January in the year in which they are  
12 appointed. Staggering of terms of office shall be established by the  
13 appointment of the initial appointees, one of whom shall be appointed  
14 to a four-year term of office and the other shall be appointed to a  
15 two-year term of office.

16 The member of a growth management hearings board shall be a member  
17 of the growth management hearings board that hears appeals from actions  
18 taken under the Growth Management Act by counties not located in the  
19 region in which the proposed transportation project under consideration  
20 is located or that is subject to the proposed transportation plan under  
21 consideration.

22 (2) The chair of the council may designate another councilmember to  
23 serve as the acting chair in the absence of the chair. The department  
24 of transportation shall provide all administrative and staff support  
25 for the council.

26 (3) The transportation facility siting council shall be convened to  
27 make recommendations to the governor whenever the transportation  
28 commission passes a resolution declaring that an impasse exists in the  
29 siting of a transportation facility of state-wide significance, as  
30 provided in section 3 of this act. The council has one hundred eighty  
31 days after the date on which the transportation commission resolution  
32 is passed to make a decision regarding the siting of the facility of  
33 state-wide significance and to communicate its decision in writing to  
34 the governor.

35 (4) The responsibility of the council is to make transportation  
36 facility siting recommendations that reflect the interest of the entire  
37 state, not just to choose one of a set of local options that were  
38 rejected by the local authority. The legislature strongly encourages  
39 the council to draw upon existing information and analyses when

1 deliberating on issues related to its siting responsibility and to  
2 consider reasons for the inability of the local and regional  
3 governments to resolve the issue. The council may consider alternative  
4 sites outside the region in which local and regional officials have  
5 unsuccessfully attempted to site the transportation facility.

6 NEW SECTION. **Sec. 3.** If the transportation commission finds that  
7 all of the following have occurred, then it may declare an impasse and  
8 refer the issue to the transportation facility siting council: (1) A  
9 regional transportation plan does not satisfactorily address the  
10 state's interest as defined in RCW 47.06.040 with respect to planning  
11 for transportation needs through siting of transportation facilities;

12 (2) There has been ample time to address siting of transportation  
13 facilities in the regional transportation plan and local comprehensive  
14 plans, but either no decision has been reached or the process has  
15 resulted in a decision that will not address the state's transportation  
16 needs as outlined in RCW 47.06.040;

17 (3) The process outlined in RCW 36.70A.106 by which the department  
18 of transportation reviews and suggests changes to the regional  
19 transportation plans and local comprehensive plans with respect to the  
20 state's transportation facility siting needs has been exhausted; and

21 (4) The department of transportation has sought by all reasonable  
22 and informal means to encourage local governments and regional bodies  
23 to cooperate in a planning and decision-making process that addresses  
24 in a timely manner state-wide transportation facility siting needs.

25 NEW SECTION. **Sec. 4.** (1) Subject to the conditions set forth in  
26 it, a decision by the governor binds the state and each of its  
27 political subdivisions, such as departments, agencies, divisions,  
28 bureaus, commissions, boards, counties, cities, towns, ports, and  
29 special purpose districts, whether a political subdivision is a member  
30 of the council or not, regarding approval of a site and the  
31 construction and operation of a proposed transportation facility.

32 (2) The governor must accept or reject the siting council's  
33 recommendation within sixty days. If the governor rejects the siting  
34 council's recommendation, he or she may request the siting council to  
35 provide an alternative recommendation within thirty days. The governor  
36 has another sixty days to accept or reject the siting council's  
37 alternative recommendation. Once the governor has made a decision, the

1 governor must inform in writing the members of the transportation  
2 facility siting council, the transportation commission, the chair(s) of  
3 the legislative transportation committee, the county or city affected,  
4 and the regional transportation planning organization located in the  
5 region in which the transportation project will be sited.

6 NEW SECTION. **Sec. 5.** The legislature may invalidate the  
7 governor's decision if two-thirds of each house of the legislature  
8 votes to object to the governor's choice of sites. The legislature  
9 must vote by the end of the first regular legislative session convened  
10 after the governor's decision. This will ensure that the legislature  
11 has at least one full regular legislative session for deliberation.

12 NEW SECTION. **Sec. 6.** This chapter supersedes other laws for  
13 establishing the location of transportation facilities of state-wide  
14 significance or rules adopted under state law for establishing the  
15 location of transportation facilities of state-wide significance.  
16 However, the requirements of this chapter and rules adopted under it do  
17 not supersede the State Environmental Policy Act, the State Clean Air  
18 Act, the State Clean Water Act, the Shoreline Management Act, the laws  
19 relating to solid and hazardous waste management, and all the related  
20 portions of the Washington Administrative Code that implement these  
21 environmental laws.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.80 RCW  
23 to read as follows:

24 The regional transportation planning organization must adopt a  
25 regional transportation plan that adequately implements the decision of  
26 the governor to site a transportation facility of state-wide  
27 significance, as provided in section 4 of this act.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.06 RCW  
29 to read as follows:

30 The legislature declares the following transportation facilities  
31 and services to be of state-wide significance: The interstate highway  
32 system, interregional state principal arterials, including ferry  
33 connections that serve state-wide travel, intercity passenger rail  
34 services, intercity high-speed ground transportation, major passenger  
35 intermodal terminals, mainline freight railroads, shortline freight

1 rail lines that are identified as essential by the department's freight  
2 rail plan, the Columbia/Snake navigable river system, marine ports  
3 engaging in international and interstate trade, and high-capacity  
4 transportation systems serving regions as defined in RCW 81.104.015.  
5 The department shall assert leadership and cooperate with regional  
6 transportation planning organizations, counties, cities, transit  
7 agencies, public ports, and the private sector, by including in the  
8 state's multimodal transportation plan improvements to transportation  
9 facilities and services of state-wide significance. Improvements to  
10 facilities and services of state-wide significance identified in the  
11 state-wide multimodal transportation plan developed under RCW  
12 47.01.071(3) are considered essential public facilities under RCW  
13 36.70A.200.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.06 RCW  
15 to read as follows:

16 The department of transportation in cooperation with towns, cities,  
17 counties, ports, transit agencies, regional transportation planning  
18 organizations, and the department of community, trade, and economic  
19 development, the federal government, and private sector, shall  
20 recommend transportation facilities and services to include in the  
21 definition of essential public facilities as defined under RCW  
22 36.70A.200.

23 NEW SECTION. **Sec. 10.** Sections 1 through 6 of this act shall  
24 constitute a new chapter in Title 47 RCW.

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