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**SUBSTITUTE HOUSE BILL 1850**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Local Government (originally sponsored by Representatives Hayes, Clibborn, Orcutt, Takko, Harmsworth, Riccelli, Rodne, Bergquist, Wilson, Robinson, Smith, Muri, and Magendanz)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to improving the efficiency of conducting certain  
2 department of transportation actions by exempting these actions from  
3 obtaining local reviews or permits under the shoreline management  
4 act; amending RCW 90.58.355; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** To ensure that vital maintenance and minor  
7 safety upgrades to state transportation facilities are efficiently  
8 achieved, the legislature finds that regulatory reviews under chapter  
9 90.58 RCW should be reformed. The activities of the department of  
10 transportation are guided by manuals and standards of practice  
11 designed to effectively avoid and minimize impacts to the  
12 environment. These activities are also subject to periodically  
13 renewed programmatic permits from federal agencies, the department of  
14 fish and wildlife, and the department of ecology water quality  
15 program. Adding local permits or letters of exemption under the  
16 shoreline management act does not substantively improve the  
17 environmental outcomes of this work. Adding these local reviews  
18 creates time delays, the imposition of inconsistent standards and  
19 manuals, and uncertainty in the permitting process. Therefore, the  
20 legislature finds that it is in the public interest to exclude state

1 highway maintenance and minor safety upgrade activities from local  
2 review and approval processes under the shoreline management act.

3 **Sec. 2.** RCW 90.58.355 and 2012 c 169 s 1 are each amended to  
4 read as follows:

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

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

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

25 (3)(a) Except as provided in (b) of this subsection, the  
26 following department of transportation projects and activities that  
27 occur within the right-of-way of state highway facilities or the  
28 lease or ownership area for ferry terminals:

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

34 (ii) Construction or installation of safety structures and  
35 equipment, including pavement marking, freeway surveillance and  
36 control systems, railroad protective devices not including grade-  
37 separated crossings, grooving, glare screen, safety barriers, energy  
38 attenuators, and hazardous or dangerous tree removal.

1       (b) This subsection (3) does not exempt the construction of a new  
2 structure or facility, or the expansion of an existing structure or  
3 facility, from requirements to obtain a substantial development  
4 permit, conditional use permit, variance, letter of exemption, or  
5 other review conducted by a local government.

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