
SENATE BILL 5763

State of Washington

53rd Legislature

1993 Regular Session

By Senator Prentice

Read first time 02/12/93. Referred to Committee on Transportation.

1 AN ACT Relating to the integration of state and local permit
2 requirements at the department of transportation; and adding new
3 sections to chapter 47.04 RCW.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 state transportation projects be constructed in such a way as to
7 preserve the natural environment to the greatest extent practical.
8 This goal is best achieved when environmental concerns are considered
9 at an early stage of planning state transportation projects. The
10 legislature recognizes that the provisions set forth in chapter 36.70A
11 RCW require regional transportation plans and the transportation
12 element of local comprehensive plans to be consistent. Currently,
13 state transportation projects are reviewed by the regional
14 transportation planning organizations for consistency with the regional
15 transportation plan. Therefore, the legislature finds sufficient
16 coordination between state and local transportation planning. However,
17 as local jurisdictions enact ordinances and adopt permit requirements
18 intended to implement their comprehensive plans, the department of
19 transportation is uniquely and adversely affected by the multitude of

1 permits required for state transportation projects that cross
2 jurisdictional boundaries. These permit requirements are often
3 duplicative, conflicting, and time consuming, resulting in needless
4 delays at the expense of the state taxpayers.

5 Under current practices, most permit applications for
6 transportation projects are not accepted by the permitting agencies
7 until the project has been substantially designed. Alterations to the
8 design at such a late stage of project development places unreasonable
9 demands upon the department to significantly alter engineering designs
10 for those transportation facilities. This results in significant
11 project delays, which place extraordinary burdens upon the taxpayers.
12 Therefore, the legislature finds it necessary to find alternative
13 methods for protecting the state's natural resources by promoting state
14 and local cooperation in the development of systematic, comprehensive
15 environmental protections as they relate to the design and construction
16 of transportation projects.

17 NEW SECTION. **Sec. 2.** (1) The department, in cooperation with a
18 multidisciplinary body of environmental and transportation experts and
19 other affected agencies, shall convene a series of meetings for the
20 purpose of developing departmental environmental policies and
21 procedures. These policies and procedures may vary from one region of
22 the state to another, and may be tailored to meet the environmental and
23 transportation needs of that particular region. The secretary or a
24 designee shall work jointly with the directors or designees of the
25 departments of ecology, fisheries, wildlife, and natural resources, the
26 Puget Sound water quality authority, representatives from cities and
27 counties from eastern and western Washington, representatives from
28 regional transportation planning organizations, and tribal
29 organizations in the development of the policies and procedures.

30 (2) No later than June 30, 1995, the secretary shall present the
31 policies and procedures, together with any recommendations, to the
32 joint select legislative committee established under section 5 of this
33 act. Upon approval of the joint select committee, the department shall
34 adopt and adhere to those policies and procedures.

35 NEW SECTION. **Sec. 3.** (1) The body convened under section 2 of
36 this act shall develop policies and procedures for, but not be limited
37 to, erosion controls; geotechnical investigations; wetlands mitigation

1 and enhancement; management of storm water runoff; flood controls;
2 handling, mixing, storing, transporting, and disposing of hazardous or
3 dangerous materials, including sediments; pesticide usage; storage and
4 use of deicing agents; prevention and mitigation of noise; and
5 protection of fish and wildlife habitat. To the extent practicable,
6 best management practices shall be defined for each environmental
7 concern and shall be incorporated into the proposed policies and
8 procedures.

9 (2) The department, in cooperation with state and local agencies,
10 shall develop policies and procedures to ensure uniform application
11 contents and requirements for substantial development permits required
12 under the State Environmental Policy Act, chapter 43.21C RCW.

13 NEW SECTION. **Sec. 4.** The adoption of departmental policies and
14 procedures related to environmental concerns will promote more uniform
15 and expeditious review by the agencies authorized to grant permits. To
16 further enhance the timeliness of permit review, the department and the
17 permit-granting agencies shall adhere to the following schedule:

18 (1) The department shall seek conditional permit approval from the
19 relevant permit-granting agencies upon submittal of a project draft
20 design report and documentation required under the State Environmental
21 Policy Act, chapter 43.21C RCW. For purposes of this section, state
22 and local agencies may require only the following information in a
23 project design report:

24 (a) A statement describing the specific need for the project;

25 (b) A description of the design alternatives considered, and the
26 reasoning for rejecting the alternatives and for selecting the
27 preferred alternative;

28 (c) Conceptual designs for those project elements required to
29 mitigate environmental impacts;

30 (d) Descriptions, tables, and charts necessary to explain the costs
31 of project construction;

32 (e) A statement that the design conforms with the environmental
33 policies and procedures developed under sections 1 through 5 of this
34 act, or a detailed explanation of the reasons for deviation from those
35 policies and procedures; and

36 (f) A description of required project maintenance.

37 (2) Permit-granting agencies shall respond to the identified
38 environmental impacts and proposed mitigations contained within the

1 SEPA document and draft design report within thirty days from the
2 receipt of documents identified in subsection (2) of this section.
3 Failure to respond within the statutory time period constitutes
4 approval for a conditional permit for the proposed project.

5 (3) The department shall then respond to the concerns identified by
6 the relevant permit-granting agencies within thirty days and resubmit
7 the design report, together with any modifications, to the permit-
8 granting agencies. The design report is considered full and complete
9 upon resubmittal by the department to the permit-granting agencies.

10 (4) Once the design report is considered full and complete under
11 subsection (3) of this section, within fifteen days the permit-granting
12 agency shall either (a) grant conditional permit approval; (b) grant
13 conditional permit approval, with the permit-granting agency accepting
14 the responsibility for any costs in excess of those submitted in the
15 final design report that the permit-granting agency deems necessary to
16 design and construct the project to a more stringent standard than
17 proposed in the final design report; or (c) deny conditional permit
18 approval.

19 (5) If the proposed project is granted conditional permit approval,
20 the department may proceed with detailed design and contract plans and
21 specifications may be prepared.

22 Denials of conditional permits under sections 1 through 5 of this
23 act must be accompanied by a description of the legal grounds for such
24 denial.

25 If the conditional permit application is denied, the department
26 shall cease all design and planning for the project. The department
27 may appeal denial of the permit application to the Thurston county
28 superior court. The court shall review the permit application de novo.
29 The court shall presume the permit application to be complete and in
30 compliance, and the permit-granting agency has the burden of proving
31 noncompliance.

32 NEW SECTION. **Sec. 5.** The house of representatives committee on
33 environmental affairs, the house of representatives committee on local
34 government, the senate committee on ecology and parks, and the senate
35 committee on government operations shall each appoint two members to
36 the joint select committee described in section 2 of this act. The
37 legislative transportation committee shall appoint four members to the
38 joint select committee. To the greatest extent possible, the joint

1 select committee should reflect a balance between legislators from the
2 eastern and western parts of the state, between urban and rural parts
3 of the state, and between the two major political parties.

4 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are added
5 to chapter 47.04 RCW.

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