
HOUSE BILL 1235

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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