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**ENGROSSED SUBSTITUTE SENATE BILL 5994**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Hobbs, Fain, Liias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, Hewitt, Becker, Brown, and Bailey)

AN ACT Relating to permits for state transportation corridor projects; amending RCW 90.58.355; adding a new section to chapter 36.70A RCW; adding a new section to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 36.01 RCW; adding new sections to chapter 35A.21 RCW; adding a new section to chapter 43.21C RCW; creating a new section; providing an effective date; providing a contingent effective date; and declaring an emergency.

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

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

(1) As used in this section, "transportation corridor project" means a transportation project that is part of a state highway corridor improvement program.

(2) For transportation corridor projects, if the project is permitted under critical areas development regulations adopted under this chapter, permits may be appealed to a local hearing officer or through any other local appeal process if the department of transportation consents, but if the department of transportation does not consent, permits must be appealed directly to superior court and local agencies may not require that such permits be first appealed to a local hearing examiner or through any other local appeal process.

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

It is the intent of the legislature to clarify existing law such that, when exercising its authority under RCW 47.01.260, the department is not required to obtain local government master use permits, conditional use permits, special use permits, or other similar local zoning permits for staging areas related to the construction of state highways. This section may not be construed as changing or otherwise altering existing law.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

If a building permit is issued by a city or town as part of a transportation corridor project, as defined in section 1 of this act, for a building that is temporary in nature and will be removed when no longer necessary to facilitate the project, the building permit may not be appealed by any party other than the permittee or the department of transportation. If an appeal is filed, a third party may intervene in such proceedings by petition.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

If a building permit is issued by a county as part of a transportation corridor project, as defined in section 1 of this act, for a building that is temporary in nature and will be removed when no longer necessary to facilitate the project, the building permit may not be appealed by any party other than the permittee or the department of transportation. If an appeal is filed, a third party may intervene in such proceedings by petition.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

If a building permit is issued by a code city as part of a transportation corridor project, as defined in section 1 of this act, for a building that is temporary in nature and will be removed when no longer necessary to facilitate the project, the building permit may not be appealed by any party other than the permittee or the department of transportation. If an appeal is filed, a third party may intervene in such proceedings by petition.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1) To the greatest extent practicable, a permit must be issued by a city or town to the department of transportation for a transportation corridor project, as defined in section 1 of this act, within ninety days of the department completing the permit application.

(2) The department of transportation shall report annually to the governor and the legislature regarding any permit applications that take longer than ninety days to approve.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1) To the greatest extent practicable, a permit must be issued by a county to the department of transportation for a transportation corridor project, as defined in section 1 of this act, within ninety days of the department completing the permit application.

(2) The department of transportation shall report annually to the governor and the legislature regarding any permit applications that take longer than ninety days to approve.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

(1) To the greatest extent practicable, a permit must be issued by a code city to the department of transportation for a transportation corridor project, as defined in section 1 of this act, within ninety days of the department completing the permit application.

(2) The department of transportation shall report annually to the governor and the legislature regarding any permit applications that take longer than ninety days to approve.

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

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

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

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

(3)(a) The following department of transportation projects and activities if they meet the conditions of (b) of this subsection:

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

(ii) Construction or installation of safety structures and equipment, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazard/danger tree removal.

(b) Activities exempted under this subsection (3) must occur within the right-of-way of state highway facilities or the lease or ownership area for ferry terminals. For purposes of this subsection, replacement of structures and construction or installation of safety structures and equipment do not include new travel lanes or the expansion of transportation facilities. The replacement of structures must be comparable to the original structure, including size, shape, configuration, and location, except to meet current engineering standards or environmental permit requirements.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

Washington state department of transportation projects that are categorically excluded under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

NEW SECTION. **Sec.**  The provisions of this act apply to projects identified as connecting Washington projects and supported by revenues generated under chapter ... (Substitute Senate Bill No. 5987), Laws of 2015.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015.

NEW SECTION. **Sec.**  This act takes effect only if chapter ... (Substitute Senate Bill No. 5987), Laws of 2015 is enacted by June 30, 2015.

**--- END ---**