

SSB 5994 - S AMD 59
By Senator Liias

ADOPTED 2/27/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

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

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01
17 RCW to read as follows:

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

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21
26 RCW to read as follows:

27 If a building permit is issued by a city or town as part of a
28 transportation corridor project, as defined in section 1 of this act,
29 for a building that is temporary in nature and will be removed when
30 no longer necessary to facilitate the project, the building permit
31 may not be appealed by any party other than the permittee or the

1 department of transportation. If an appeal is filed, a third party
2 may intervene in such proceedings by petition.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01
4 RCW to read as follows:

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

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21
13 RCW to read as follows:

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

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21
22 RCW to read as follows:

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

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

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01
32 RCW to read as follows:

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

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

4 NEW SECTION. Sec. 8. A new section is added to chapter 35A.21
5 RCW to read as follows:

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

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

14 **Sec. 9.** RCW 90.58.355 and 2012 c 169 s 1 are each amended to
15 read as follows:

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

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

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

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

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

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

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

20 NEW SECTION. Sec. 10. A new section is added to chapter 43.21C
21 RCW to read as follows:

22 Washington state department of transportation projects that are
23 categorically excluded under the national environmental policy act
24 (42 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

25 NEW SECTION. Sec. 11. The provisions of this act apply to
26 projects identified as connecting Washington projects and supported
27 by revenues generated under chapter ... (Substitute Senate Bill No.
28 5987), Laws of 2015.

29 NEW SECTION. Sec. 12. This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of
31 the state government and its existing public institutions, and takes
32 effect July 1, 2015.

33 NEW SECTION. Sec. 13. This act takes effect only if chapter ...
34 (Senate Bill No. ... (S-1301/15)), Laws of 2015 is enacted by June
35 30, 2015."

ADOPTED 2/27/2015

1 On page 1, line 2 of the title, after "projects;" strike the
2 remainder of the title and insert "amending RCW 90.58.355; adding a
3 new section to chapter 36.70A RCW; adding a new section to chapter
4 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new
5 sections to chapter 36.01 RCW; adding new sections to chapter 35A.21
6 RCW; adding a new section to chapter 43.21C RCW; creating a new
7 section; providing an effective date; providing a contingent
8 effective date; and declaring an emergency."

EFFECT: Clarifies that the provisions of this act apply to projects funded by SSB 5987. Removes the provision regarding solid waste definitions.

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