
Transportation Committee

SSB 6363

Brief Description: Concerning the design and construction of certain transportation facilities adjacent to or across a river or waterway.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Takko, Ericksen, Hobbs and Parlette).

Brief Summary of Substitute Bill

- Requires the Washington State Department of Transportation (WSDOT) to consider and report on the feasibility of providing waterway access for recreational purposes during the design process for state highway projects, other than limited access highways and ferry terminals, that include the construction of a new bridge or reconstruction of an existing bridge across a navigable river or waterway, and coordinate with other agencies in certain circumstances.
- Requires the WSDOT, to the greatest extent practicable, to not adversely impact pre-existing public access to a waterway when constructing a state highway project.

Hearing Date: 2/22/16

Staff: David Munnecke (786-7315).

Background:

The Washington State Department of Transportation (WSDOT) is not generally required to consider or report on the feasibility of providing a means of public access to a navigable river or waterway for public recreational purposes when constructing a state highway project that is adjacent to or crosses a waterway. However, projects that are required to document the environmental impacts of the project through either an environmental impact statement or an environmental assessment would likely be required to consider the issue of public access as part of that process.

The National Environmental Policy Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The National Environmental Policy Act (NEPA) establishes a review process to determine the environmental impact of federal undertakings. There are three levels of analysis that can be undertaken pursuant to the NEPA:

- categorical exclusion determination, which determines if the project meets certain criteria which have been previously determined to indicate that the project will have no significant environmental impact;
- environmental assessment, which requires the preparation of a written assessment of whether the project will have a significant impact on the environment; and
- environmental impact assessment, which is a more detailed evaluation of the proposed project and potential alternatives.

Summary of Bill:

The intent section recognizes that the WSDOT considers public access in its project areas, and directs the WSDOT to explore the feasibility of providing access for water-related recreation.

The WSDOT is directed to consider and report on the feasibility of providing a means of public access to waterways for public recreation purposes during the design process for state highway projects, other than limited access highways and ferry terminals, that include the construction of a new bridge or reconstruction of an existing bridge across a navigable river or waterway.

The WSDOT is required to document in the feasibility report whether proposed projects are in an area identified by state or local plans to be a priority for recreational access to waterways. The WSDOT is also required to coordinate with relevant state agencies or local agencies if the project is in an identified priority area.

The consideration of feasibility required under the bill must include a description of the suitability for public use, implications of access, and alternate methods of public access. The consideration of feasibility must not alter the purpose and need of the proposed project or create a legal obligation to modify existing access. If public access is found to be feasible, any subsequent development must be deemed to be for recreational purposes.

The WSDOT is directed not to adversely impact any pre-existing public access to a waterway, to the greatest extent possible, when undertaking state highway projects, including major improvement projects.

The requirements regarding public access are not to be interpreted as to delay decision-making or approvals on projects, or limit the WSDOT's entitlement to recreational immunity consistent with statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.