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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, Lias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, Hewitt, Becker, Brown, and Bailey)

READ FIRST TIME 02/24/15.

1 AN ACT Relating to permits for state transportation corridor  
2 projects; amending RCW 90.58.355; adding a new section to chapter  
3 36.70A RCW; adding a new section to chapter 47.01 RCW; adding new  
4 sections to chapter 35.21 RCW; adding new sections to chapter 36.01  
5 RCW; adding new sections to chapter 35A.21 RCW; adding a new section  
6 to chapter 43.21C RCW; creating a new section; providing an effective  
7 date; providing a contingent effective date; and declaring an  
8 emergency.

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

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

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

15 (2) For transportation corridor projects, if the project is  
16 permitted under critical areas development regulations adopted under  
17 this chapter, permits may be appealed to a local hearing officer or  
18 through any other local appeal process if the department of  
19 transportation consents, but if the department of transportation does  
20 not consent, permits must be appealed directly to superior court and

1 local agencies may not require that such permits be first appealed to  
2 a local hearing examiner or through any other local appeal process.

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

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

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

14 If a building permit is issued by a city or town 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. 4.** A new section is added to chapter 36.01  
22 RCW to read as follows:

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

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

32 If a building permit is issued by a code city as part of a  
33 transportation corridor project, as defined in section 1 of this act,  
34 for a building that is temporary in nature and will be removed when  
35 no longer necessary to facilitate the project, the building permit  
36 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. 6.** A new section is added to chapter 35.21  
4 RCW to read as follows:

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

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

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

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

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

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.21  
23 RCW to read as follows:

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

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

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

34 Requirements to obtain a substantial development permit,  
35 conditional use permit, ~~((or))~~ variance, letters of exemption, or

1 other review conducted by a local government to implement this  
2 chapter shall not apply to ((any person)):

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 43.21C  
2    RCW to read as follows:

3        Washington state department of transportation projects that are  
4    categorically excluded under the national environmental policy act  
5    (42 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

6        NEW SECTION.    **Sec. 11.**    The provisions of this act apply to  
7    projects identified as connecting Washington projects and supported  
8    by revenues generated under chapter ... (Substitute Senate Bill No.  
9    5987), Laws of 2015.

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

14       NEW SECTION.    **Sec. 13.**    This act takes effect only if chapter ...  
15    (Substitute Senate Bill No. 5987), Laws of 2015 is enacted by June  
16    30, 2015.

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