

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6363

Chapter 34, Laws of 2016

64th Legislature
2016 Regular Session

STATE HIGHWAY PROJECTS--RIVERS AND WATERWAYS--PUBLIC ACCESS

EFFECTIVE DATE: 6/9/2016

Passed by the Senate February 17, 2016
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2016
Yeas 58 Nays 39

FRANK CHOPP

Speaker of the House of Representatives

Approved March 25, 2016 2:41 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6363** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 25, 2016

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6363

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By Senate Transportation (originally sponsored by Senators Takko, Ericksen, Hobbs, and Parlette)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to the design and construction of certain
2 transportation facilities adjacent to or across a river or waterway;
3 adding a new section to chapter 47.01 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the
7 department of transportation considers public access, including
8 recreational trails and paths, when planning and designing new
9 highway facilities consistent with chapters 47.30 and 90.58 RCW and
10 RCW 79A.35.120. The legislature directs the department of
11 transportation to explore the feasibility of providing access for
12 water-related recreation.

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

15 (1) During the design process for state highway projects that
16 include the construction of a new bridge or reconstruction of an
17 existing bridge across a navigable river or waterway, excluding
18 limited access highways and ferry terminals, the department must
19 consider and report on the feasibility of providing a means of public
20 access to the navigable river or waterway for public recreational

1 purposes. The report must document whether the proposed project is in
2 an area identified by state or local plans to be a priority for
3 recreational access to waterways. If the proposed project is in an
4 area identified by state or local plans to be a priority for
5 recreational access to waterways, the department must coordinate with
6 other relevant state agencies or local agencies to ensure consistency
7 with the identified recreational plan.

8 (2) To the greatest extent practicable, when constructing a state
9 highway project, including a major improvement project, the
10 department must not adversely impact preexisting, lawful public
11 access to a waterway.

12 (3) A consideration of feasibility must include a description of
13 the suitability for public use, implications associated with
14 potential access, and the availability of alternate public access
15 within a reasonable distance, if present. A consideration of
16 feasibility must not alter the purpose and need for the proposed
17 transportation project or create any legal obligation to modify
18 existing recreational access from state highway facilities. If public
19 access to waterways is deemed feasible, any subsequent development
20 must be conclusively deemed for recreational purposes notwithstanding
21 such facilities' relationship to transportation facilities. Findings
22 that improvements are not feasible do not require the alteration of
23 any existing or historic access.

24 (4) This section must not be interpreted to: Delay decision
25 making or approvals on proposed state transportation improvement
26 projects, or limit the department's entitlement to recreational
27 immunity consistent with chapter 4.24 RCW.

Passed by the Senate February 17, 2016.

Passed by the House March 3, 2016.

Approved by the Governor March 25, 2016.

Filed in Office of Secretary of State March 25, 2016.