

# HOUSE BILL REPORT

## HB 1814

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act.

**Brief Description:** Streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act.

**Sponsors:** Representatives Fitzgibbon, Duerr, Berry, Parshley, Ramel and Macri.

**Brief History:**

**Committee Activity:**

Local Government: 2/11/25, 2/14/25 [DP].

**Brief Summary of Bill**

- Provides a categorical exemption from the State Environmental Policy Act for decisions pertaining to paths and trails that meet certain criteria.
- Requires an applicant seeking the categorical exemption to request meaningful consultation with any federally recognized tribe that may be affected.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 4 members: Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey.

**Staff:** Michelle Rusk (786-7153).

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

**Background:**

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. If an initial review of the checklist and supporting documents results in a determination that the government decision has a probable significant adverse environmental impact, known as a threshold determination, the proposal must undergo a more comprehensive environmental analysis in the form of an environmental impact statement. If the SEPA review process identifies significant adverse environmental impacts, the lead agency may deny a government decision or may require mitigation for identified environmental impacts.

SEPA addresses both project and nonproject actions. Project actions involve an agency decision on a specific project and include construction, alteration of public buildings, and infrastructure. Nonproject actions are governmental actions involving decisions about policies, plans, or programs.

Under SEPA, certain project and nonproject actions are categorically exempted from the requirements of SEPA. Examples of categorically exempt nonproject actions include certain amendments to development regulations and technical codes. An example of a categorical exemption is an action relating to infill development in urban growth areas.

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**Summary of Bill:**

Decisions pertaining to the development or extension of a trail or path are categorically exempt from SEPA, and may not be subject to local regulations imposing equivalent requirements, if the proposed new trail or path, or extension to an existing trail or path:

- has a surface area of 10 acres or less; and
- is located on a railroad right-of-way designated for interim trail use under federal law within a city of 500,000 people or more.

Improvements covered under this exemption include utilities and support infrastructure for trails and paths, including street improvements and crossings, lighting, signage, and surface water drainage. Unrelated infrastructure improvements are not covered under this exemption.

At the earliest possible date before submitting an application for developing or extending a trail or path under the categorical exemption, applicants must request meaningful consultation with any potentially affected federally recognized tribe. Applicants must provide notice of the proposed development to an affected tribe using at least two methods, including by mail.

Upon receipt of notice, a federally recognized tribe may initiate consultation to determine whether an agreement can be reached. If an agreement is not reached, the parties must enter mediation. If a tribe does not initiate consultation within 90 days of receipt of notice, the categorical SEPA exemption must go into effect for the proposed extension or new path or trail.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There are lingering gaps that persist in our trail networks and this bill will help address the cost and time it takes to develop these trails. Washington already has many "rail-banked" trails, as a result of railroads undertaking the federal process to abandon service on these parcels. Using this tool is wonderful because it is otherwise almost impossible to assemble a linear right-of-way that's available for recreational use covering any meaningful distance because land is expensive and allocated.

This bill will not contradict the goals of SEPA because rail-banked trails already go through a federal environmental review process that includes review under the National Environmental Policy Act and the National Historic Preservation Act. Additionally, the bill is very narrow in scope, and there has also been work with our tribal partners, including the Muckleshoot Tribe, on this policy.

(Opposed) None.

**Persons Testifying:** Matthew Cohen, Stoel Rives; and Lee Lambert, Washington Bikes.

**Persons Signed In To Testify But Not Testifying:** None.