
SENATE BILL 6156

State of Washington

63rd Legislature

2014 Regular Session

By Senator King

Read first time 01/16/14. Referred to Committee on Transportation.

1 AN ACT Relating to permits for state transportation corridor
2 projects; amending RCW 70.95.030; 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 to
6 chapter 90.58 RCW; and adding a new section to chapter 43.21C RCW.

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

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

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

13 (2) For transportation corridor projects, if the project is
14 permitted under critical areas development regulations adopted under
15 this chapter, permits may be appealed to a local hearing officer or
16 through any other local appeal process if the department of
17 transportation consents, but if the department of transportation does
18 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 RCW
4 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 department
7 is not required to obtain local government master use permits,
8 conditional use permits, special use permits, or other similar local
9 zoning permits for staging areas related to the construction of state
10 highways. This section may not be construed as changing or otherwise
11 altering existing law.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
13 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 no
17 longer necessary to facilitate the project, the building permit may not
18 be appealed by any party other than the permittee or the department of
19 transportation. If an appeal is filed, a third party may intervene in
20 such proceedings by petition.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
22 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 no
26 longer necessary to facilitate the project, the building permit may not
27 be appealed by any party other than the permittee or the department of
28 transportation. If an appeal is filed, a third party may intervene in
29 such proceedings by petition.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21 RCW
31 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 no

1 longer necessary to facilitate the project, the building permit may not
2 be appealed by any party other than the permittee or the department of
3 transportation. If an appeal is filed, a third party may intervene in
4 such proceedings by petition.

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

7 (1) To the greatest extent practicable, a permit must be issued by
8 a city or town to the department of transportation for a transportation
9 corridor project, as defined in section 1 of this act, within ninety
10 days of the department completing the permit 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 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW
15 to read as follows:

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

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

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

25 (1) To the greatest extent practicable, a permit must be issued by
26 a code city to the department of transportation for a transportation
27 corridor project, as defined in section 1 of this act, within ninety
28 days of the department completing the permit 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 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.58 RCW
33 to read as follows:

34 (1) It is the intent of the legislature that normal maintenance,

1 repair, safety upgrades, and signage improvements within the
2 right-of-way of state highway facilities be exempt from all local
3 permits and reviews conducted to implement this chapter. The
4 legislature finds that when these activities are conducted consistent
5 with this chapter, they typically do not have an adverse impact on or
6 affect the normal public use of shorelines. The legislature determines
7 that it is in the public interest to exclude state highway maintenance
8 activities from these local review and approval processes under this
9 chapter.

10 (2) State highway facility maintenance, replacement of structures,
11 minor safety upgrades, and signage installations within the
12 right-of-way of state highways are not subject to permitting or review
13 under this chapter, including reviews conducted by local governments to
14 implement this chapter. Examples include, but are not limited to:
15 Pavement rehabilitation; luminaire and sign-associated maintenance and
16 replacement; bank protection and scour repair on existing structures
17 and facilities; culvert cleanout and minor repair; storm water facility
18 maintenance and repair; shoulders and slope repair; hazard/danger tree
19 removal; traffic barrier installation, including cable barriers,
20 guardrails, and berms; rumble strip grinding; installation of
21 intelligent transportation systems; and weigh-in-motion facilities.
22 "Minor safety upgrades" and "replacement of structures" do not include
23 new travel lanes or expansion of transportation facilities. The
24 replacement of structures must be comparable to the original structure,
25 including size, shape, configuration, and location, except to meet
26 current engineering standards or environmental permit requirements.

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

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

32 **Sec. 11.** RCW 70.95.030 and 2010 1st sp.s. c 7 s 86 are each
33 amended to read as follows:

- 34 As used in this chapter, unless the context indicates otherwise:
- 35 (1) "City" means every incorporated city and town.
 - 36 (2) "Commission" means the utilities and transportation commission.

1 (3) "Composted material" means organic solid waste that has been
2 subjected to controlled aerobic degradation at a solid waste facility
3 in compliance with the requirements of this chapter. Natural decay of
4 organic solid waste under uncontrolled conditions does not result in
5 composted material.

6 (4) "Department" means the department of ecology.

7 (5) "Director" means the director of the department of ecology.

8 (6) "Disposal site" means the location where any final treatment,
9 utilization, processing, or deposit of solid waste occurs.

10 (7) "Energy recovery" means a process operating under federal and
11 state environmental laws and regulations for converting solid waste
12 into usable energy and for reducing the volume of solid waste.

13 (8) "Functional standards" means criteria for solid waste handling
14 expressed in terms of expected performance or solid waste handling
15 functions.

16 (9) "Incineration" means a process of reducing the volume of solid
17 waste operating under federal and state environmental laws and
18 regulations by use of an enclosed device using controlled flame
19 combustion.

20 (10) "Inert waste landfill" means a landfill that receives only
21 inert waste, as determined under RCW 70.95.065, and includes facilities
22 that use inert wastes as a component of fill.

23 (11) "Jurisdictional health department" means city, county, city-
24 county, or district public health department.

25 (12) "Landfill" means a disposal facility or part of a facility at
26 which solid waste is placed in or on land and which is not a land
27 treatment facility.

28 (13) "Local government" means a city, town, or county.

29 (14) "Modify" means to substantially change the design or
30 operational plans including, but not limited to, removal of a design
31 element previously set forth in a permit application or the addition of
32 a disposal or processing activity that is not approved in the permit.

33 (15) "Multiple-family residence" means any structure housing two or
34 more dwelling units.

35 (16) "Person" means individual, firm, association, copartnership,
36 political subdivision, government agency, municipality, industry,
37 public or private corporation, or any other entity whatsoever.

1 (17) "Recyclable materials" means those solid wastes that are
2 separated for recycling or reuse, such as papers, metals, and glass,
3 that are identified as recyclable material pursuant to a local
4 comprehensive solid waste plan. Prior to the adoption of the local
5 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
6 local governments may identify recyclable materials by ordinance from
7 July 23, 1989.

8 (18) "Recycling" means transforming or remanufacturing waste
9 materials into usable or marketable materials for use other than
10 landfill disposal or incineration.

11 (19) "Residence" means the regular dwelling place of an individual
12 or individuals.

13 (20) "Sewage sludge" means a semisolid substance consisting of
14 settled sewage solids combined with varying amounts of water and
15 dissolved materials, generated from a wastewater treatment system, that
16 does not meet the requirements of chapter 70.95J RCW.

17 (21) "Soil amendment" means any substance that is intended to
18 improve the physical characteristics of the soil, except composted
19 material, commercial fertilizers, agricultural liming agents,
20 unmanipulated animal manures, unmanipulated vegetable manures, food
21 wastes, food processing wastes, and materials exempted by rule of the
22 department, such as biosolids as defined in chapter 70.95J RCW and
23 wastewater as regulated in chapter 90.48 RCW.

24 (22) "Solid waste" or "wastes" means all putrescible and
25 nonputrescible solid and semisolid wastes including, but not limited
26 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
27 demolition and construction wastes, abandoned vehicles or parts
28 thereof, and recyclable materials. "Solid waste" or "wastes" excludes
29 construction material generated by the department of transportation
30 that does not threaten human or environmental health.

31 (23) "Solid waste handling" means the management, storage,
32 collection, transportation, treatment, utilization, processing, and
33 final disposal of solid wastes, including the recovery and recycling of
34 materials from solid wastes, the recovery of energy resources from
35 solid wastes or the conversion of the energy in solid wastes to more
36 useful forms or combinations thereof.

37 (24) "Source separation" means the separation of different kinds of
38 solid waste at the place where the waste originates.

1 (25) "Vehicle" includes every device physically capable of being
2 moved upon a public or private highway, road, street, or watercourse
3 and in, upon, or by which any person or property is or may be
4 transported or drawn upon a public or private highway, road, street, or
5 watercourse, except devices moved by human or animal power or used
6 exclusively upon stationary rails or tracks.

7 (26) "Waste-derived soil amendment" means any soil amendment as
8 defined in this chapter that is derived from solid waste as defined in
9 this section, but does not include biosolids or biosolids products
10 regulated under chapter 70.95J RCW or wastewaters regulated under
11 chapter 90.48 RCW.

12 (27) "Waste reduction" means reducing the amount or toxicity of
13 waste generated or reusing materials.

14 (28) "Yard debris" means plant material commonly created in the
15 course of maintaining yards and gardens, and through horticulture,
16 gardening, landscaping, or similar activities. Yard debris includes
17 but is not limited to grass clippings, leaves, branches, brush, weeds,
18 flowers, roots, windfall fruit, vegetable garden debris, holiday trees,
19 and tree prunings four inches or less in diameter.

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