

2SHB 1850 - H AMD 237

By Representative Farrell

ADOPTED 03/10/2015

1 On page 2, line 24, after "facilities;" strike "or"

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3 On page 2, beginning on line 25, after "(3)(a)" strike all
4 material through "government" on page 3, line 5 and insert "Subject
5 to the limitations specified in this subsection (3), normal
6 maintenance or repair of existing structures or developments by the
7 department of transportation, including maintenance or repair of
8 damage caused by accident, fire, or the elements.

9 (b) For purposes of this subsection (3), the following
10 definitions apply:

11 (i) "Normal maintenance" includes any usual acts to prevent a
12 decline, lapse, or cessation from a lawfully established condition.

13 (ii) "Normal repair" means to restore a structure or development
14 to a state comparable to its original condition including, but not
15 limited to, restoring the development's size, shape, configuration,
16 location, and external appearance, within a reasonable period after
17 decay or partial destruction. Normal repair of a structure or
18 development may not cause substantial adverse effects to shoreline
19 resources or the shoreline environment. Replacement of a structure
20 or development may be authorized as a normal repair if:

21 (A) Replacement is the common method of repair for the type of
22 structure or development;

23 (B) The replacement structure or development is comparable to
24 the original structure or development including, but not limited to,
25 the size, shape, configuration, location, and external appearance of
26 the original structure or development; and

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1 (C) The replacement does not cause substantial adverse effects
2 to shoreline resources or the shoreline environment.

3 (c) Normal maintenance or repair of an existing structure or
4 development under this subsection (3) does not include the expansion
5 of an existing structure or development, or the construction of a
6 new structure or development that does not meet the criteria of a
7 replacement structure or development under (b)(ii) of this
8 subsection (3); or

9 (4) Construction or installation of safety structures and
10 equipment by the department of transportation, including pavement
11 marking, freeway surveillance and control systems, railroad
12 protective devices not including grade-separated crossings,
13 grooving, glare screen, safety barriers, energy attenuators, and
14 hazardous or dangerous tree removal"

EFFECT: Modifies exemptions proposed in the underlying bill for certain activities of the Department of Transportation (DOT) from requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local government review in the following ways:

(1) Eliminates the exemption for maintenance, repair, reconstruction, restoration, or retrofitting of roads, highways, bridges, tunnels, or transit facilities conducted by the DOT within the footprint of existing state highway facilities or the lease or ownership area for ferry terminals.

(2) Creates an exemption, subject to specified limitations, for normal maintenance or repair of existing structures or developments by the DOT.

(3) Defines the terms "normal maintenance" and "normal repair" for purposes of the underlying bill.

(4) Specifies that normal maintenance and repair does not include the expansion of existing structures or developments, or the construction of new structures or developments that do not qualify as replacement structures or developments under the bill's provisions.

(5) Modifies an exemption for construction or installation of safety structures and equipment by the DOT. Exempts any construction or installation of safety structures and equipment, rather than exempting only construction or installation of safety

structures and equipment that do not include construction of new structures or facilities, or the expansion of existing structures or facilities.

(6) Makes technical changes.

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