

ESB 6044 - H COMM AMD
By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

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

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

12 (1) The department must report on the feasibility of providing
13 means of public access to a navigable waterway for public
14 recreational purposes when conducting an environmental review of a
15 major improvement project. The report must document whether the
16 proposed project is in an area identified by state or local plans to
17 be a priority for recreational access to waterways. If the proposed
18 project is in an area identified by state or local plans to be a
19 priority for recreational access to waterways, the department must
20 coordinate with other relevant state agencies or local agencies to
21 ensure consistency with the identified recreational plan.

22 (2) Any additional cost to a state highway project, including a
23 major improvement project, due to providing public access to a
24 waterway, including maintenance costs and any costs for parking
25 infrastructure, must be paid for using nontransportation funding. The
26 department may seek grants from the Washington wildlife and
27 recreation coalition or any other agencies or entities that could
28 provide funding for public access to a waterway. For purposes of this
29 section, "nontransportation funding" means funding that has not been
30 collected by the state for a transportation purpose.

31 (3) To the greatest extent practicable, when constructing a state
32 highway project, including a major improvement project, the

1 department must not adversely impact preexisting public access to a
2 waterway.

3 (4) For the purposes of this section, a major improvement project
4 is a state highway improvement project that requires an environmental
5 impact statement or environmental assessment under the national
6 environmental policy act (42 U.S.C. Sec. 4321 et seq.), excluding
7 improvements to state ferry terminals and fully controlled limited
8 access highways.

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

20 (6) This section must not be interpreted to: Delay decision
21 making or approvals on proposed state transportation improvement
22 projects, or limit the department's entitlement to recreational
23 immunity consistent with chapter 4.24 RCW."

24 Correct the title.

EFFECT: Strikes the entirety of the underlying bill and:

(1) Adds an intent section.

(2) Requires the department of transportation to report on the feasibility of providing waterway access for recreational purposes when conducting an environmental review of major improvement projects, document whether the project is in an area identified in any state or local plan as a priority for such access, and ensure consistency with any such plan.

(3) Requires that any costs to a state highway project, including a major improvement project, must be paid for using nontransportation funding, which is defined as funding that has not been collected by the state for a transportation purpose.

(4) Requires the department of transportation, to the greatest extent practicable, to not adversely impact preexisting public access to a waterway when constructing a state highway project.

(5) Defines major improvement projects as projects that require an environmental impact statement or an environmental assessment under the national environmental policy act, excluding ferry terminals and fully controlled limited access highways.

(6) Indicates what needs to be included in a consideration of feasibility and the significance of the determination of feasibility.

(7) Indicates that the act must not be interpreted to delay a project or limit the department entitlement to recreational immunity.

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