

**E2SHB 1850 - S AMD 409**

By Senator King

ADOPTED 4/15/2015

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

3 "NEW SECTION. **Sec. 1.** To ensure that vital maintenance and  
4 minor safety upgrades to state transportation facilities are  
5 efficiently achieved, the legislature finds that regulatory reviews  
6 under chapter 90.58 RCW should be reformed. The activities of the  
7 department of transportation are guided by manuals and standards of  
8 practice designed to effectively avoid and minimize impacts to the  
9 environment. These activities are also subject to periodically  
10 renewed programmatic permits from federal agencies, the department of  
11 fish and wildlife, and the department of ecology water quality  
12 program. Adding local permits or letters of exemption under the  
13 shoreline management act does not substantively improve the  
14 environmental outcomes of this work. Adding these local reviews  
15 creates time delays, the imposition of inconsistent standards and  
16 manuals, and uncertainty in the permitting process. Therefore, the  
17 legislature finds that it is in the public interest to exclude state  
18 highway maintenance and minor safety upgrade activities from local  
19 review and approval processes under the shoreline management act.

20 **Sec. 2.** RCW 90.58.355 and 2012 c 169 s 1 are each amended to  
21 read as follows:

22 Requirements to obtain a substantial development permit,  
23 conditional use permit, ~~((or))~~ variance ~~((shall))~~, letter of  
24 exemption, or other review conducted by a local government to  
25 implement this chapter do not apply to ~~((any person))~~:

26 (1) Any person conducting a remedial action at a facility  
27 pursuant to a consent decree, order, or agreed order issued pursuant  
28 to chapter 70.105D RCW, or to the department of ecology when it  
29 conducts a remedial action under chapter 70.105D RCW. The department  
30 must ensure compliance with the substantive requirements of this  
31 chapter through the consent decree, order, or agreed order issued  
32 pursuant to chapter 70.105D RCW, or during the department-conducted

1 remedial action, through the procedures developed by the department  
2 pursuant to RCW 70.105D.090; ((e))

3 (2) Any person installing site improvements for storm water  
4 treatment in an existing boatyard facility to meet requirements of a  
5 national pollutant discharge elimination system storm water general  
6 permit. The department must ensure compliance with the substantive  
7 requirements of this chapter through the review of engineering  
8 reports, site plans, and other documents related to the installation  
9 of boatyard storm water treatment facilities; or

10 (3)(a) The following department of transportation projects and  
11 activities if they meet the conditions of (b) of this subsection:

12 (i) Maintenance, repair, reconstruction, restoration,  
13 retrofitting, or replacement of any road, highway, bridge, tunnel, or  
14 transit facility such as a ferry dock or bus transfer station,  
15 including ancillary transportation facilities such as  
16 pedestrian/bicycle paths and bike lanes;

17 (ii) Construction or installation of safety structures and  
18 equipment, including pavement marking, freeway surveillance and  
19 control systems, railroad protective devices not including grade-  
20 separated crossings, grooving, glare screen, safety barriers, energy  
21 attenuators, and hazard/danger tree removal.

22 (b) Activities exempted under this subsection must occur within  
23 the right-of-way of state highway facilities or the lease or  
24 ownership area for ferry terminals. For purposes of this section, the  
25 replacement of structures and construction or installation of safety  
26 structures and equipment does not include new travel lanes or the  
27 expansion of transportation facilities. The replacement of structures  
28 must be comparable to the original structure, including size, shape,  
29 configuration, and location, except to meet current engineering  
30 standards or environmental permit requirements."

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31 On page 1, line 4 of the title, after "act;" strike the remainder  
32 of the title and insert "amending RCW 90.58.355; and creating a new  
33 section."

EFFECT: Adds reconstruction, restoration, retrofitting, and replacement of any road, highway, bridge, tunnel, or transit facility that occurs in the right-of-way of state highway facilities to the list of department of transportation projects and activities that are exempt from the shoreline management act permit requirements. Removes the definition of normal maintenance and repair for department of transportation projects for purposes of determining activities exempt from shoreline management act permit requirements.

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