

SENATE BILL REPORT

SB 6363

As Reported by Senate Committee On:
Transportation, February 8, 2016

Title: An act relating to the design and construction of certain transportation facilities adjacent to or across a river or waterway.

Brief Description: Concerning the design and construction of certain transportation facilities adjacent to or across a river or waterway.

Sponsors: Senators Takko, Ericksen, Hobbs and Parlette.

Brief History:

Committee Activity: Transportation: 1/26/16, 2/08/16 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Fain, Vice Chair, Budget ; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Carlyle, Cleveland, Ericksen, Miloscia, Rivers, Sheldon and Takko.

Staff: Brian Connell (786-7346)

Background: Under current law, the Washington State Department of Transportation (WSDOT) is not required to consider or report on the feasibility of providing a means of public access to a navigable river or waterway for public recreation purposes during the design process for state highway projects that include the construction of a new bridge or reconstruction of an existing bridge that is adjacent to or crosses a waterway.

Projects that are required to document the environmental impacts of the projects under the National Environmental Policy Act (NEPA) may be required to consider public access as part of the required environmental assessment or environmental impact assessment analysis.

Summary of Bill (Recommended Substitute): WSDOT is directed to consider and report on the feasibility of providing a means of public access to waterways for public recreation purposes during the design process for state highway projects, other than limited access

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

highways and ferry terminals, that include the construction of a new bridge or reconstruction of an existing bridge across a navigable river or waterway.

WSDOT is required to document in the feasibility report whether proposed projects are in an area identified by state or local plans to be a priority for recreational access to waterways. WSDOT is required to coordinate with relevant state agencies or local agencies if the project is in an identified priority area.

WSDOT is directed not to adversely impact any preexisting public access to a waterway, to the greatest extent possible, when undertaking state highway projects, including major improvement projects.

Major improvement projects are defined.

Requirements of a consideration of feasibility are specified.

These requirements are not to be interpreted as to delay decision-making or approvals on projects, or limit WSDOT's entitlement to recreational immunity consistent with statute.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): Limits consideration of impact to preexisting locations to lawful preexisting public access points only.

Includes preexisting public access within a reasonable distance as a consideration of feasibility.

Removes the definition of a major improvement project.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Washington has many waterways, but little access to the water in some areas. Recreational boating is a \$4 billion industry in the state. Access to waterways is important for recreational boating and other recreational water activities. Reconstruction of a bridge can be a threat to preexisting access, or an opportunity to improve access. The bill would require that access to be considered as is done in several other states.

OTHER: WSDOT requests several revisions to specify the types of projects, waterways, and access points which are to be included and excluded from this requirement.

Persons Testifying: PRO: Senator Takko, primary sponsor; Peter Schrappen, Northwest Marine Trade Association; Thomas O'Keefe, American Whitewater; Brittany Jarnot, Recreational Boating Association of Washington.

OTHER: Jeff Carpenter, WSDOT / State Design Engineer.

Persons Signed In To Testify But Not Testifying: No one.