
HOUSE BILL 2660

State of Washington 64th Legislature 2016 Regular Session

By Representatives Bergquist, Hayes, Tarleton, and Stambaugh

Read first time 01/18/16. Referred to Committee on Transportation.

1 AN ACT Relating to the design and construction of certain
2 transportation facilities adjacent to or across a river or waterway;
3 adding a new section to chapter 47.01 RCW; and creating a new
4 section.

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

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

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

15 (1) During the design process for state highway projects that
16 include the construction of a new bridge or reconstruction of an
17 existing bridge across a navigable river or waterway, excluding
18 limited access highways and ferry terminals, the department must
19 consider and report on the feasibility of providing a means of public
20 access to the navigable river or waterway for public recreational

1 purposes. The report must document whether the proposed project is in
2 an area identified by state or local plans to be a priority for
3 recreational access to waterways. If the proposed project is in an
4 area identified by state or local plans to be a priority for
5 recreational access to waterways, the department must coordinate with
6 other relevant state agencies or local agencies to ensure consistency
7 with the identified recreational plan.

8 (2) To the greatest extent practicable, when constructing a state
9 highway project, including a major improvement project, the
10 department must not adversely impact preexisting public access to a
11 waterway.

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

18 (4) A consideration of feasibility must include a description of
19 the suitability for public use and implications associated with
20 potential access. A consideration of feasibility must not alter the
21 purpose and need for the proposed transportation project or create
22 any legal obligation to modify existing recreational access from
23 state highway facilities. If public access to waterways is deemed
24 feasible, any subsequent development must be conclusively deemed for
25 recreational purposes notwithstanding such facilities' relationship
26 to transportation facilities. Findings that improvements are not
27 feasible do not require the alteration of any existing or historic
28 access.

29 (5) This section must not be interpreted to: Delay decision
30 making or approvals on proposed state transportation improvement
31 projects, or limit the department's entitlement to recreational
32 immunity consistent with chapter 4.24 RCW.

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