
SUBSTITUTE SENATE BILL 5994

State of Washington

64th Legislature

2015 Regular Session

By Senate Transportation (originally sponsored by Senators King, Hobbs, Fain, Lias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, Hewitt, Becker, Brown, and Bailey)

READ FIRST TIME 02/24/15.

1 AN ACT Relating to permits for state transportation corridor
2 projects; amending RCW 90.58.355 and 70.95.030; adding a new section
3 to chapter 36.70A RCW; adding a new section to chapter 47.01 RCW;
4 adding new sections to chapter 35.21 RCW; adding new sections to
5 chapter 36.01 RCW; adding new sections to chapter 35A.21 RCW; adding
6 a new section to chapter 43.21C RCW; providing an effective date;
7 providing a contingent effective date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
10 RCW to read as follows:

11 (1) As used in this section, "transportation corridor project"
12 means a transportation project that is part of a state highway
13 corridor improvement program.

14 (2) For transportation corridor projects, if the project is
15 permitted under critical areas development regulations adopted under
16 this chapter, permits may be appealed to a local hearing officer or
17 through any other local appeal process if the department of
18 transportation consents, but if the department of transportation does
19 not consent, permits must be appealed directly to superior court and
20 local agencies may not require that such permits be first appealed to
21 a local hearing examiner or through any other local appeal process.

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

3 It is the intent of the legislature to clarify existing law such
4 that, when exercising its authority under RCW 47.01.260, the
5 department is not required to obtain local government master use
6 permits, conditional use permits, special use permits, or other
7 similar local zoning permits for staging areas related to the
8 construction of state highways. This section may not be construed as
9 changing or otherwise altering existing law.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21
11 RCW to read as follows:

12 If a building permit is issued by a city or town as part of a
13 transportation corridor project, as defined in section 1 of this act,
14 for a building that is temporary in nature and will be removed when
15 no longer necessary to facilitate the project, the building permit
16 may not be appealed by any party other than the permittee or the
17 department of transportation. If an appeal is filed, a third party
18 may intervene in such proceedings by petition.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01
20 RCW to read as follows:

21 If a building permit is issued by a county as part of a
22 transportation corridor project, as defined in section 1 of this act,
23 for a building that is temporary in nature and will be removed when
24 no longer necessary to facilitate the project, the building permit
25 may not be appealed by any party other than the permittee or the
26 department of transportation. If an appeal is filed, a third party
27 may intervene in such proceedings by petition.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21
29 RCW to read as follows:

30 If a building permit is issued by a code city as part of a
31 transportation corridor project, as defined in section 1 of this act,
32 for a building that is temporary in nature and will be removed when
33 no longer necessary to facilitate the project, the building permit
34 may not be appealed by any party other than the permittee or the
35 department of transportation. If an appeal is filed, a third party
36 may intervene in such proceedings by petition.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21
2 RCW to read as follows:

3 (1) To the greatest extent practicable, a permit must be issued
4 by a city or town to the department of transportation for a
5 transportation corridor project, as defined in section 1 of this act,
6 within ninety days of the department completing the permit
7 application.

8 (2) The department of transportation shall report annually to the
9 governor and the legislature regarding any permit applications that
10 take longer than ninety days to approve.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01
12 RCW to read as follows:

13 (1) To the greatest extent practicable, a permit must be issued
14 by a county to the department of transportation for a transportation
15 corridor project, as defined in section 1 of this act, within ninety
16 days of the department completing the permit application.

17 (2) The department of transportation shall report annually to the
18 governor and the legislature regarding any permit applications that
19 take longer than ninety days to approve.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.21
21 RCW to read as follows:

22 (1) To the greatest extent practicable, a permit must be issued
23 by a code city to the department of transportation for a
24 transportation corridor project, as defined in section 1 of this act,
25 within ninety days of the department completing the permit
26 application.

27 (2) The department of transportation shall report annually to the
28 governor and the legislature regarding any permit applications that
29 take longer than ninety days to approve.

30 **Sec. 9.** RCW 90.58.355 and 2012 c 169 s 1 are each amended to
31 read as follows:

32 Requirements to obtain a substantial development permit,
33 conditional use permit, ~~((or))~~ variance, letters of exemption, or
34 other review conducted by a local government to implement this
35 chapter shall not apply to ~~((any person))~~:

36 (1) Any person conducting a remedial action at a facility
37 pursuant to a consent decree, order, or agreed order issued pursuant

1 to chapter 70.105D RCW, or to the department of ecology when it
2 conducts a remedial action under chapter 70.105D RCW. The department
3 must ensure compliance with the substantive requirements of this
4 chapter through the consent decree, order, or agreed order issued
5 pursuant to chapter 70.105D RCW, or during the department-conducted
6 remedial action, through the procedures developed by the department
7 pursuant to RCW 70.105D.090; ((e#))

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

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

17 (i) Maintenance, repair, reconstruction, restoration,
18 retrofitting, or replacement of any road, highway, bridge, tunnel, or
19 transit facility such as a ferry dock or bus transfer station,
20 including ancillary transportation facilities such as pedestrian/
21 bicycle paths and bike lanes;

22 (ii) Construction or installation of safety structures and
23 equipment, including pavement marking, freeway surveillance and
24 control systems, railroad protective devices not including grade
25 separated crossings, grooving, glare screen, safety barriers, energy
26 attenuators, and hazard/danger tree removal.

27 (b) Activities exempted under this subsection (3) must occur
28 within the right-of-way of state highway facilities or the lease or
29 ownership area for ferry terminals. For purposes of this subsection,
30 replacement of structures and construction or installation of safety
31 structures and equipment do not include new travel lanes or the
32 expansion of transportation facilities. The replacement of structures
33 must be comparable to the original structure, including size, shape,
34 configuration, and location, except to meet current engineering
35 standards or environmental permit requirements.

36 NEW SECTION. Sec. 10. A new section is added to chapter 43.21C
37 RCW to read as follows:

1 Washington state department of transportation projects that are
2 categorically excluded under the national environmental policy act
3 (42 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

4 **Sec. 11.** RCW 70.95.030 and 2010 1st sp.s. c 7 s 86 are each
5 amended to read as follows:

6 As used in this chapter, unless the context indicates otherwise:

7 (1) "City" means every incorporated city and town.

8 (2) "Commission" means the utilities and transportation
9 commission.

10 (3) "Composted material" means organic solid waste that has been
11 subjected to controlled aerobic degradation at a solid waste facility
12 in compliance with the requirements of this chapter. Natural decay of
13 organic solid waste under uncontrolled conditions does not result in
14 composted material.

15 (4) "Department" means the department of ecology.

16 (5) "Director" means the director of the department of ecology.

17 (6) "Disposal site" means the location where any final treatment,
18 utilization, processing, or deposit of solid waste occurs.

19 (7) "Energy recovery" means a process operating under federal and
20 state environmental laws and regulations for converting solid waste
21 into usable energy and for reducing the volume of solid waste.

22 (8) "Functional standards" means criteria for solid waste
23 handling expressed in terms of expected performance or solid waste
24 handling functions.

25 (9) "Incineration" means a process of reducing the volume of
26 solid waste operating under federal and state environmental laws and
27 regulations by use of an enclosed device using controlled flame
28 combustion.

29 (10) "Inert waste landfill" means a landfill that receives only
30 inert waste, as determined under RCW 70.95.065, and includes
31 facilities that use inert wastes as a component of fill.

32 (11) "Jurisdictional health department" means city, county, city-
33 county, or district public health department.

34 (12) "Landfill" means a disposal facility or part of a facility
35 at which solid waste is placed in or on land and which is not a land
36 treatment facility.

37 (13) "Local government" means a city, town, or county.

38 (14) "Modify" means to substantially change the design or
39 operational plans including, but not limited to, removal of a design

1 element previously set forth in a permit application or the addition
2 of a disposal or processing activity that is not approved in the
3 permit.

4 (15) "Multiple-family residence" means any structure housing two
5 or more dwelling units.

6 (16) "Person" means individual, firm, association, copartnership,
7 political subdivision, government agency, municipality, industry,
8 public or private corporation, or any other entity whatsoever.

9 (17) "Recyclable materials" means those solid wastes that are
10 separated for recycling or reuse, such as papers, metals, and glass,
11 that are identified as recyclable material pursuant to a local
12 comprehensive solid waste plan. Prior to the adoption of the local
13 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
14 local governments may identify recyclable materials by ordinance from
15 July 23, 1989.

16 (18) "Recycling" means transforming or remanufacturing waste
17 materials into usable or marketable materials for use other than
18 landfill disposal or incineration.

19 (19) "Residence" means the regular dwelling place of an
20 individual or individuals.

21 (20) "Sewage sludge" means a semisolid substance consisting of
22 settled sewage solids combined with varying amounts of water and
23 dissolved materials, generated from a wastewater treatment system,
24 that does not meet the requirements of chapter 70.95J RCW.

25 (21) "Soil amendment" means any substance that is intended to
26 improve the physical characteristics of the soil, except composted
27 material, commercial fertilizers, agricultural liming agents,
28 unmanipulated animal manures, unmanipulated vegetable manures, food
29 wastes, food processing wastes, and materials exempted by rule of the
30 department, such as biosolids as defined in chapter 70.95J RCW and
31 wastewater as regulated in chapter 90.48 RCW.

32 (22) "Solid waste" or "wastes" means all putrescible and
33 nonputrescible solid and semisolid wastes including, but not limited
34 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
35 demolition and construction wastes, abandoned vehicles or parts
36 thereof, and recyclable materials. "Solid waste" or "wastes" excludes
37 construction material generated by the department of transportation
38 that does not threaten human or environmental health.

39 (23) "Solid waste handling" means the management, storage,
40 collection, transportation, treatment, utilization, processing, and

1 final disposal of solid wastes, including the recovery and recycling
2 of materials from solid wastes, the recovery of energy resources from
3 solid wastes or the conversion of the energy in solid wastes to more
4 useful forms or combinations thereof.

5 (24) "Source separation" means the separation of different kinds
6 of solid waste at the place where the waste originates.

7 (25) "Vehicle" includes every device physically capable of being
8 moved upon a public or private highway, road, street, or watercourse
9 and in, upon, or by which any person or property is or may be
10 transported or drawn upon a public or private highway, road, street,
11 or watercourse, except devices moved by human or animal power or used
12 exclusively upon stationary rails or tracks.

13 (26) "Waste-derived soil amendment" means any soil amendment as
14 defined in this chapter that is derived from solid waste as defined
15 in this section, but does not include biosolids or biosolids products
16 regulated under chapter 70.95J RCW or wastewaters regulated under
17 chapter 90.48 RCW.

18 (27) "Waste reduction" means reducing the amount or toxicity of
19 waste generated or reusing materials.

20 (28) "Yard debris" means plant material commonly created in the
21 course of maintaining yards and gardens, and through horticulture,
22 gardening, landscaping, or similar activities. Yard debris includes
23 but is not limited to grass clippings, leaves, branches, brush,
24 weeds, flowers, roots, windfall fruit, vegetable garden debris,
25 holiday trees, and tree prunings four inches or less in diameter.

26 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect July 1, 2015.

30 NEW SECTION. **Sec. 13.** This act takes effect only if chapter ...
31 (Senate Bill No. ... (S-1301/15)), Laws of 2015 is enacted by June
32 30, 2015.

--- END ---