
SENATE BILL 5994

State of Washington

64th Legislature

2015 Regular Session

By Senators King, Hobbs, Fain, Liiias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, Hewitt, Becker, Brown, and Bailey

Read first time 02/16/15. Referred to Committee on Transportation.

1 AN ACT Relating to permits for state transportation corridor
2 projects; amending RCW 70.95.030; adding a new section to chapter
3 36.70A RCW; adding a new section to chapter 47.01 RCW; adding new
4 sections to chapter 35.21 RCW; adding new sections to chapter 36.01
5 RCW; adding new sections to chapter 35A.21 RCW; adding a new section
6 to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW;
7 providing an effective date; providing a contingent effective date;
8 and declaring an emergency.

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

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

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

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

1 local agencies may not require that such permits be first appealed to
2 a local hearing examiner or through any other local appeal process.

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

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

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

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

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

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

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

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

1 department of transportation. If an appeal is filed, a third party
2 may intervene in such proceedings by petition.

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

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

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.58
33 RCW to read as follows:

34 (1) It is the intent of the legislature that normal maintenance,
35 repair, safety upgrades, and signage improvements within the right-
36 of-way of state highway facilities be exempt from all local permits

1 and reviews conducted to implement this chapter. The legislature
2 finds that when these activities are conducted consistent with this
3 chapter, they typically do not have an adverse impact on or affect
4 the normal public use of shorelines. The legislature determines that
5 it is in the public interest to exclude state highway maintenance
6 activities from these local review and approval processes under this
7 chapter.

8 (2) State highway facility maintenance, replacement of
9 structures, minor safety upgrades, and signage installations within
10 the right-of-way of state highways are not subject to permitting or
11 review under this chapter, including reviews conducted by local
12 governments to implement this chapter. Examples include, but are not
13 limited to: Pavement rehabilitation; luminaire and sign-associated
14 maintenance and replacement; bank protection and scour repair on
15 existing structures and facilities; culvert cleanout and minor
16 repair; storm water facility maintenance and repair; shoulders and
17 slope repair; hazard/danger tree removal; traffic barrier
18 installation, including cable barriers, guardrails, and berms; rumble
19 strip grinding; installation of intelligent transportation systems;
20 and weigh-in-motion facilities. "Minor safety upgrades" and
21 "replacement of structures" do not include new travel lanes or
22 expansion of transportation facilities. The replacement of structures
23 must be comparable to the original structure, including size, shape,
24 configuration, and location, except to meet current engineering
25 standards or environmental permit requirements.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.21C
27 RCW to read as follows:

28 Washington state department of transportation projects that are
29 categorically excluded under the national environmental policy act
30 (42 U.S.C. Sec. 4321 et seq.) are exempt from this chapter.

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

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

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

35 (2) "Commission" means the utilities and transportation
36 commission.

37 (3) "Composted material" means organic solid waste that has been
38 subjected to controlled aerobic degradation at a solid waste facility

1 in compliance with the requirements of this chapter. Natural decay of
2 organic solid waste under uncontrolled conditions does not result in
3 composted material.

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

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

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

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

11 (8) "Functional standards" means criteria for solid waste
12 handling expressed in terms of expected performance or solid waste
13 handling functions.

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

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

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

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

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

27 (14) "Modify" means to substantially change the design or
28 operational plans including, but not limited to, removal of a design
29 element previously set forth in a permit application or the addition
30 of a disposal or processing activity that is not approved in the
31 permit.

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

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

37 (17) "Recyclable materials" means those solid wastes that are
38 separated for recycling or reuse, such as papers, metals, and glass,
39 that are identified as recyclable material pursuant to a local
40 comprehensive solid waste plan. Prior to the adoption of the local

1 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
2 local governments may identify recyclable materials by ordinance from
3 July 23, 1989.

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

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

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

13 (21) "Soil amendment" means any substance that is intended to
14 improve the physical characteristics of the soil, except composted
15 material, commercial fertilizers, agricultural liming agents,
16 unmanipulated animal manures, unmanipulated vegetable manures, food
17 wastes, food processing wastes, and materials exempted by rule of the
18 department, such as biosolids as defined in chapter 70.95J RCW and
19 wastewater as regulated in chapter 90.48 RCW.

20 (22) "Solid waste" or "wastes" means all putrescible and
21 nonputrescible solid and semisolid wastes including, but not limited
22 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
23 demolition and construction wastes, abandoned vehicles or parts
24 thereof, and recyclable materials. "Solid waste" or "wastes" excludes
25 construction material generated by the department of transportation
26 that does not threaten human or environmental health.

27 (23) "Solid waste handling" means the management, storage,
28 collection, transportation, treatment, utilization, processing, and
29 final disposal of solid wastes, including the recovery and recycling
30 of materials from solid wastes, the recovery of energy resources from
31 solid wastes or the conversion of the energy in solid wastes to more
32 useful forms or combinations thereof.

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

35 (25) "Vehicle" includes every device physically capable of being
36 moved upon a public or private highway, road, street, or watercourse
37 and in, upon, or by which any person or property is or may be
38 transported or drawn upon a public or private highway, road, street,
39 or watercourse, except devices moved by human or animal power or used
40 exclusively upon stationary rails or tracks.

1 (26) "Waste-derived soil amendment" means any soil amendment as
2 defined in this chapter that is derived from solid waste as defined
3 in this section, but does not include biosolids or biosolids products
4 regulated under chapter 70.95J RCW or wastewaters regulated under
5 chapter 90.48 RCW.

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

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

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

18 NEW SECTION. **Sec. 13.** This act takes effect only if chapter ...
19 (Senate Bill No. ... (S-1301/15)), Laws of 2015 is enacted by June
20 30, 2015.

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