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SENATE BILL 6363

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Takko, Ericksen, Hobbs, and Parlette

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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