

HOUSE BILL REPORT

HB 1268

As Reported by House Committee On:
Environment

Title: An act relating to exempting the construction of certain pedestrian infrastructure from the requirements of the state environmental policy act.

Brief Description: Exempting the construction of certain pedestrian infrastructure from the requirements of the state environmental policy act.

Sponsors: Representatives Harmsworth, Shea, Griffey, Hargrove, Rodne, MacEwen, Orcutt, Muri, Haler, Irwin, Koster and Buys.

Brief History:

Committee Activity:

Environment: 1/23/17, 2/14/17 [DP].

Brief Summary of Bill

- Exempts the construction of sidewalks, sidewalk extensions, paths, and pedestrian walks from State Environmental Policy Act review processes so long as the project does not include certain features.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys, Dye, Fey, Kagi and McBride.

Staff: Jacob Lipson (786-7196).

Background:

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. Except for projects that are exempt from SEPA requirements, the SEPA generally requires a project applicant to submit an environmental checklist that includes answers to questions about the potential impacts of

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the project on the built and natural environments. The information collected through the SEPA review process may be used to condition a proposal to mitigate environmental impacts or to deny a proposal when significant adverse environmental impacts are identified.

The SEPA statute and rules contain exemptions for certain actions that do not require the submission of a checklist or the development of an environmental impact statement. In June of 2016, the Department of Ecology (ECY) updated its SEPA administrative rules by creating or expanding several categorical exemptions from SEPA threshold determination (checklist) and environmental impact requirements requirements. Among the minor new construction activities categorically exempted by the 2016 SEPA rule update is the addition to a road of bicycle lanes, paths, and facilities, and pedestrian walks and paths including sidewalk extensions, but not including projects that add automobile lanes. However, under the SEPA rule, the following types of projects are excluded from the categorical exemption and are thus subject to SEPA requirements:

- projects that are wholly or partly on lands covered by water;
- projects that require a license governing nonexempt discharges to water or emissions to air; or
- projects that require a land use decision of a type that is not exempt from SEPA.

Summary of Bill:

Pedestrian walks, paths, sidewalks, and sidewalk extensions are added to a road exempt from SEPA review so long as the construction or addition does not result in additional lanes for automobiles.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Mitigation for local government pedestrian improvement projects are often addressed via ordinances, and eliminating SEPA review requirements will help expedite project implementation timelines by removing duplicative reviews. Pedestrian projects are important to streamline because they improve community safety. There is value to codifying an existing exemption to SEPA review requirements that currently only exists in rule, because it is more difficult to pass a statute than to administratively revise a rule.

(Opposed) The removal of the exceptions to the exemption should not be included in the codification of this existing SEPA rule. The ECY recently concluded a careful stakeholder

rulemaking process that resulted in exceptions from the exemption, including requiring SEPA review if a sidewalk project was going to take place in a critical area or a wetland.

Persons Testifying: (In support) Representative Harmsworth, prime sponsor; and Brianna Murray, Snohomish County.

(Opposed) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.