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**SUBSTITUTE SENATE BILL 6363**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Takko, Ericksen, Hobbs, and Parlette)

READ FIRST TIME 02/09/16.

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, lawful public  
11 access to a waterway.

12 (3) A consideration of feasibility must include a description of  
13 the suitability for public use, implications associated with  
14 potential access, and the availability of alternate public access  
15 within a reasonable distance, if present. A consideration of  
16 feasibility must not alter the purpose and need for the proposed  
17 transportation project or create any legal obligation to modify  
18 existing recreational access from state highway facilities. If public  
19 access to waterways is deemed feasible, any subsequent development  
20 must be conclusively deemed for recreational purposes notwithstanding  
21 such facilities' relationship to transportation facilities. Findings  
22 that improvements are not feasible do not require the alteration of  
23 any existing or historic access.

24 (4) This section must not be interpreted to: Delay decision  
25 making or approvals on proposed state transportation improvement  
26 projects, or limit the department's entitlement to recreational  
27 immunity consistent with chapter 4.24 RCW.

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