
SENATE BILL 5853

State of Washington

61st Legislature

2009 Regular Session

By Senators Kastama, Haugen, Marr, Kohl-Welles, and Shin; by request of Governor Gregoire

Read first time 02/04/09. Referred to Committee on Transportation.

1 AN ACT Relating to land use and transportation planning for marine
2 container ports; reenacting and amending RCW 47.06.140; adding a new
3 section to chapter 36.70A RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington's
6 marine container ports operate within a complex system of marine
7 terminal operations, truck and train transportation corridors, and
8 industrial services that together support a critical amount of our
9 state and national economy, including key parts of our state's
10 manufacturing and agricultural sectors, and directly creates thousands
11 of high-wage jobs throughout our region.

12 (2) The legislature further finds that the container port services
13 are increasingly challenged by the conversion of industrial properties
14 to nonindustrial uses, leading to competing and incompatible uses that
15 can hinder port operations, restrict efficient movement of freight, and
16 limit the opportunity for improvements to existing port-related
17 facilities.

18 (3) It is the intent of the legislature to ensure that local land
19 use decisions are made in consideration of the long-term and widespread

1 economic contribution of our international container ports and related
2 industrial lands and transportation systems, and to ensure that
3 container ports continue to function effectively alongside vibrant city
4 waterfronts.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
6 to read as follows:

7 (1) For cities that include a marine container port with annual
8 operating revenues in excess of sixty million dollars, the city
9 comprehensive plan required by RCW 36.70A.070 shall include a container
10 port element.

11 (a) The container port element shall establish policies and
12 programs that define and protect the core areas of port and port-
13 related industrial uses within the city, provide reasonably efficient
14 access to the core area through freight corridors within city limits,
15 identify and resolve key land use conflicts along the edge of the core
16 area, and minimize and mitigate incompatible uses along the edge of the
17 core to the extent practicable.

18 (b) The city and the port shall collaborate in the development of
19 the container port element.

20 (c) The container port element shall be completed and approved by
21 the city according to the schedule specified in RCW 36.70A.130.

22 (d) The container port element shall be consistent with the
23 economic development, transportation, and land use elements of the
24 city's comprehensive plan, and with the city's capital facilities plan.

25 (e) The city and the port shall work together to ensure consistency
26 between the container port element and the port comprehensive scheme
27 required by chapters 53.20 and 53.25 RCW, while retaining sufficient
28 planning flexibility to secure emerging economic opportunities.

29 (2) In developing the container port element required by subsection
30 (1) of this section, the city may include one or more of the following
31 approaches:

32 (a) Creation of a port overlay district that protects container
33 port uses;

34 (b) Industrial land banks;

35 (c) Buffers and transition zones between incompatible uses;

36 (d) Joint transportation funding agreements;

1 (e) Policies to encourage the retention of valuable warehouse and
2 storage facilities;

3 (f) Limitations on the location and/or size of nonindustrial uses
4 in the core and surrounding areas; and

5 (g) Other approaches by agreement between the city and the port.

6 (3) The department of community, trade, and economic development
7 shall provide matching grant funds to the city to support development
8 of the container port element.

9 (4) Any planned improvements to the marine container ports
10 identified in the container port element shall be transmitted by the
11 city to the transportation commission for inclusion in the statewide
12 transportation plan required by RCW 47.01.071.

13 **Sec. 3.** RCW 47.06.140 and 2007 c 516 s 11 and 2007 c 512 s 2 are
14 each reenacted and amended to read as follows:

15 (1) The legislature declares the following transportation
16 facilities and services to be of statewide significance: Highways of
17 statewide significance as designated by the legislature under chapter
18 47.05 RCW, the interstate highway system, interregional state principal
19 arterials including ferry connections that serve statewide travel,
20 intercity passenger rail services, intercity high-speed ground
21 transportation, major passenger intermodal terminals excluding all
22 airport facilities and services, the freight railroad system, the
23 Columbia/Snake navigable river system, marine port facilities and
24 services that are related solely to marine activities affecting
25 international and interstate trade, key freight transportation
26 corridors serving these marine ports, and high capacity transportation
27 systems serving regions as defined in RCW 81.104.015. The department,
28 in cooperation with regional transportation planning organizations,
29 counties, cities, transit agencies, public ports, private railroad
30 operators, and private transportation providers, as appropriate, shall
31 plan for improvements to transportation facilities and services of
32 statewide significance in the statewide multimodal transportation plan.
33 Improvements to facilities and services of statewide significance
34 identified in the statewide multimodal transportation plan, or to
35 highways of statewide significance designated by the legislature under
36 chapter 47.05 RCW, are essential state public facilities under RCW
37 36.70A.200.

1 (2) The department of transportation, in consultation with local
2 governments, shall set level of service standards for state highways
3 and state ferry routes of statewide significance. Although the
4 department shall consult with local governments when setting level of
5 service standards, the department retains authority to make final
6 decisions regarding level of service standards for state highways and
7 state ferry routes of statewide significance. In establishing level of
8 service standards for state highways and state ferry routes of
9 statewide significance, the department shall consider the necessary
10 balance between providing for the free interjurisdictional movement of
11 people and goods and the needs of local communities using these
12 facilities. When setting the level of service standards under this
13 section for state ferry routes, the department may allow for a standard
14 that is adjustable for seasonality.

15 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
16 act, referencing this act by bill or chapter number, is not provided by
17 June 30, 2009, in the omnibus appropriations act, this act is null and
18 void.

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