

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1959

Chapter 514, Laws of 2009

61st Legislature
2009 Regular Session

MARINE CONTAINER PORTS--USES AND PLANNING

EFFECTIVE DATE: 07/26/09

Passed by the House April 24, 2009
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 22, 2009
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 15, 2009, 2:34 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1959** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 18, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1959

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Simpson, Rodne, Williams, and Armstrong; by request of Governor Gregoire)

READ FIRST TIME 02/20/09.

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 create 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) Comprehensive plans of cities that have a marine container port
8 with annual operating revenues in excess of sixty million dollars
9 within their jurisdiction must include a container port element.

10 (2) Comprehensive plans of cities that include all or part of a
11 port district with annual operating revenues in excess of twenty
12 million dollars may include a marine industrial port element. Prior to
13 adopting a marine industrial port element under this subsection (2),
14 the commission of the applicable port district must adopt a resolution
15 in support of the proposed element.

16 (3) Port elements adopted under subsections (1) and (2) of this
17 section must be developed collaboratively between the city and the
18 applicable port, and must establish policies and programs that:

19 (a) Define and protect the core areas of port and port-related
20 industrial uses within the city;

21 (b) Provide reasonably efficient access to the core area through
22 freight corridors within the city limits; and

23 (c) Identify and resolve key land use conflicts along the edge of
24 the core area, and minimize and mitigate, to the extent practicable,
25 incompatible uses along the edge of the core area.

26 (4) Port elements adopted under subsections (1) and (2) of this
27 section must be:

28 (a) Completed and approved by the city according to the schedule
29 specified in RCW 36.70A.130; and

30 (b) Consistent with the economic development, transportation, and
31 land use elements of the city's comprehensive plan, and consistent with
32 the city's capital facilities plan.

33 (5) In adopting port elements under subsections (1) and (2) of this
34 section, cities and ports must: Ensure that there is consistency
35 between the port elements and the port comprehensive scheme required
36 under chapters 53.20 and 53.25 RCW; and retain sufficient planning
37 flexibility to secure emerging economic opportunities.

1 (6) In developing port elements under subsections (1) and (2) of
2 this section, a city may utilize one or more of the following
3 approaches:

4 (a) Creation of a port overlay district that protects container
5 port uses;

6 (b) Use of industrial land banks;

7 (c) Use of buffers and transition zones between incompatible uses;

8 (d) Use of joint transportation funding agreements;

9 (e) Use of policies to encourage the retention of valuable
10 warehouse and storage facilities;

11 (f) Use of limitations on the location or size, or both, of
12 nonindustrial uses in the core area and surrounding areas; and

13 (g) Use of other approaches by agreement between the city and the
14 port.

15 (7) The department of community, trade, and economic development
16 must provide matching grant funds to cities meeting the requirements of
17 subsection (1) of this section to support development of the required
18 container port element.

19 (8) Any planned improvements identified in port elements adopted
20 under subsections (1) and (2) of this section must be transmitted by
21 the city to the transportation commission for consideration of
22 inclusion in the statewide transportation plan required under RCW
23 47.01.071.

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

26 (1) The legislature declares the following transportation
27 facilities and services to be of statewide significance: Highways of
28 statewide significance as designated by the legislature under chapter
29 47.05 RCW, the interstate highway system, interregional state principal
30 arterials including ferry connections that serve statewide travel,
31 intercity passenger rail services, intercity high-speed ground
32 transportation, major passenger intermodal terminals excluding all
33 airport facilities and services, the freight railroad system, the
34 Columbia/Snake navigable river system, marine port facilities and
35 services that are related solely to marine activities affecting
36 international and interstate trade, key freight transportation
37 corridors serving these marine port facilities, and high capacity

1 transportation systems serving regions as defined in RCW 81.104.015.
2 The department, in cooperation with regional transportation planning
3 organizations, counties, cities, transit agencies, public ports,
4 private railroad operators, and private transportation providers, as
5 appropriate, shall plan for improvements to transportation facilities
6 and services of statewide significance in the statewide multimodal
7 transportation plan. Improvements to facilities and services of
8 statewide significance identified in the statewide multimodal
9 transportation plan, or to highways of statewide significance
10 designated by the legislature under chapter 47.05 RCW, are essential
11 state public facilities under RCW 36.70A.200.

12 (2) The department of transportation, in consultation with local
13 governments, shall set level of service standards for state highways
14 and state ferry routes of statewide significance. Although the
15 department shall consult with local governments when setting level of
16 service standards, the department retains authority to make final
17 decisions regarding level of service standards for state highways and
18 state ferry routes of statewide significance. In establishing level of
19 service standards for state highways and state ferry routes of
20 statewide significance, the department shall consider the necessary
21 balance between providing for the free interjurisdictional movement of
22 people and goods and the needs of local communities using these
23 facilities. When setting the level of service standards under this
24 section for state ferry routes, the department may allow for a standard
25 that is adjustable for seasonality.

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

Passed by the House April 24, 2009.

Passed by the Senate April 22, 2009.

Approved by the Governor May 15, 2009.

Filed in Office of Secretary of State May 18, 2009.