

# HOUSE BILL REPORT

## SHB 1851

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### As Passed Legislature

**Title:** An act relating to expedited permitting and contracting for bridges owned by local governments that are deemed structurally deficient.

**Brief Description:** Creating an expedited permitting and contracting process for bridges owned by local governments that are deemed structurally deficient.

**Sponsors:** House Committee on Environment (originally sponsored by Representatives Hayes, Bergquist, Zeiger, Takko, Harmsworth, Wilson, Griffey, Hargrove, Smith and Magendanz).

#### **Brief History:**

##### **Committee Activity:**

Environment: 2/9/15, 2/19/15 [DPS].

##### **Floor Activity:**

Passed House: 3/10/15, 98-0.

Passed Senate: 4/15/15, 43-5.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Directs the Department of Ecology to amend the rules adopted under the State Environmental Policy Act (SEPA) to create a categorical exemption from the SEPA that is consistent with an exemption available to Department of Transportation projects for the repair and replacement of structurally deficient city, town, and county bridges and associated state and local permits or approvals.
- Authorizes cities, towns, and counties to use an expedited contracting process to repair or replace bridges deemed structurally deficient.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Farrell, Fey, Goodman, Harris, McBride, Pike and Taylor.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**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. 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 the project on the built and natural environments. Generally, an environmental impact statement must be prepared for a proposal which the lead agency determines will have a probable significant, adverse impact on the environment. The information collected through the SEPA review process may be used to change a proposal to mitigate likely impacts or to condition or deny a proposal when adverse environmental impacts are identified. The SEPA statute and rules contain exemptions for certain actions which do not require the submission of a checklist or the development of an environmental impact statement. Among the activities exempted in SEPA rules adopted by the Department of Ecology (ECY) are repair projects for roads, bridges, and other transportation infrastructure that are undertaken by the Washington State Department of Transportation (WSDOT) that take place within an existing right-of-way and that do not add automobile lanes or otherwise change the capacity or function of the infrastructure.

In the event of an accident, earthquake, or other emergency that damages or jeopardizes a state highway, the WSDOT may obtain at least three bids from prequalified contractors to reconstruct or repair the bridge without publishing a call for bids under typical public works contracting procedures. Under this expedited contracting process, the WSDOT must award a contract to the lowest responsible bidder. The WSDOT is required to notify any association or organization of contractors that has filed a request to receive regular notification about emergency projects.

The WSDOT evaluates and rates several aspects of the design, function, and condition of bridges in the state. Bridges deemed to be in poor condition, which is the lowest bridge condition rating, show advanced deficiencies, such as cracking, deterioration, or seriously affected primary structural components. Likewise, the Federal Highway Administration maintains a national bridge inventory, which contains information about the use, size, location, design, and condition of bridges nationwide. In the national bridge inventory, the condition of bridges is evaluated on a scale of zero to nine, with zero being designated for failed, out-of-service bridges beyond corrective action and nine being designated for bridges in excellent condition. A bridge rating of four indicates poor condition, which is indicated by spalling (a depression in concrete caused by the separation of surface concrete), scour (erosion of bank or streambed material around bridge piers or abutments), and other signs of bridge component corrosion.

**Summary of Substitute Bill:**

The ECY is directed to amend SEPA rules so that the categorical exemption available to WSDOT infrastructure projects is also available for repair or replacement projects involving a structurally deficient city, town, or county bridge.

Cities, towns, and counties may use the expedited contracting process currently available to the WSDOT in order to repair or replace a structurally deficient bridge.

To be classified as structurally deficient, a bridge must have a poor condition classification in the state bridge rating system and must feature a deck, superstructure, or substructure rating of four or below in the national bridge inventory. Structurally deficient bridges are also described as possessing reduced load-carrying capacity and deteriorated conditions of significant bridge elements.

**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) There are a large number of structurally deficient bridges in the state which need to be maintained or replaced. The permitting process associated with bridge repair or replacement can be time-consuming and expensive. This bill will save cities time and money by streamlining the state permitting process, but doesn't eliminate similar local and federal process requirements. This bill is narrowly focused on rehabilitation projects that take place within existing right-of-way and that do not add automobile lanes.

(Opposed) None.

**Persons Testifying:** Representative Hayes, prime sponsor; Gary Rowe, Washington State Association of Counties; Kris Overleese, City of Kenmore; Duke Schaub, Associated General Contractors; and Doug Levy, Cities of Everett and Puyallup.

**Persons Signed In To Testify But Not Testifying:** None.