

HOUSE BILL REPORT

HB 3076

As Reported By House Committee On:
Transportation

Title: An act relating to a transportation certification program.

Brief Description: Convening a workshop on streamlining project permit processes.

Revised for 1st Substitute: Convening a work group on streamlining project permit processes.

Sponsors: Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug.

Brief History:

Committee Activity:

Transportation: 1/31/00, 2/1/00 [DPS].

Brief Summary of Substitute Bill

- Requires the formation of a work group to evaluate the expansion of federal certification acceptance programs for obtaining required environmental permits.
- The work group will include staff from the Departments of Transportation; Ecology; Fish and Wildlife; and representatives from cities and counties.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Ogden; Pflug; Schindler; Schual-Berke; Skinner; Wood and Woods.

Minority Report: Without recommendation. Signed by 1 member: Representative Romero.

Staff: Paul Neal (786-7315).

Background:

State, federal, and local environmental regulations, several of which have their own permitting requirements, are administered by several different agencies. As a result, environmental permits can be delayed when review processes are done in sequence rather than concurrently. Congress recognized these undesirable process delays in the Transportation Equity Act of the 21st Century (TEA-21) where it required federal agencies to seek innovative ways to coordinate permit streamlining.

An example of permit streamlining involves the Department of Transportation's (WSDOT) Environmental Affairs Office working with the Federal Highway Administration (FHWA) to receive federal delegation of the Biological Assessment process associated with the Endangered Species Act (ESA). The WSDOT demonstrated a process acceptable to the federal agency responsible for ESA permitting and the federal agency delegated ESA permitting authority to the WSDOT. This eliminates at least one level of review and speeds up the permitting process without compromising the integrity of the process. The federal Department of Transportation and the FHWA become auditors of the program, thus enabling limited staff to focus on overall statewide compliance.

Several parties have expressed interest in applying the certification concept to other areas of environmental permitting.

Summary of Substitute Bill:

Convenes a work group to evaluate the applicability of Federal Transportation Certification Acceptance Programs to environmental processes. The workshop includes the following partners: WSDOT; Department of Ecology; Department of Fish and Wildlife; and representatives from cities and counties. The group is charged with presenting a report to the Legislature by December 1, 2000.

Substitute Bill Compared to Original Bill: The description of the committee was changed from "workshop" to "workgroup" in order to avoid potential fiscal impact from the higher level of process requirements that the WSDOT felt was required for a "workshop."

Appropriation: None.

Fiscal Note: Requested January 31, 2000.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The certification process has helped DOT in processing the necessary permits for construction projects under the federal endangered species act more efficiently. This same efficiency could possibly be realized in other permitting areas.

Testimony Against: None.

Testified: Jerry Alb, Department of Transportation.