

HOUSE BILL REPORT

ESB 6188

As Reported by House Committee On:
Transportation

Title: An act relating to improving the efficiency and accountability of the environmental permitting and compliance process for transportation projects.

Brief Description: Streamlining the environmental permit process for transportation projects.

Sponsors: By Senators Prentice, Swecker, Haugen, McDonald, Gardner, Horn, Rasmussen and Deccio.

Brief History:

Committee Activity:

Transportation: 5/24/01 [DP].

Brief Summary of Engrossed Bill

- A Transportation Permit Efficiency and Accountability Committee is created. This 17 member committee is made up of legislators, representatives of the departments of Ecology, Fish and Wildlife, and Transportation, local governments, and other interest groups.
- This committee is to identify and integrate processes to streamline the permitting process for pilot transportation projects, transportation projects of statewide significance and programmatic projects. The Department of Transportation is granted authority to prepare certain permits, with permitting agencies retaining approval authority. Local permitting processes are addressed, and an optional interim permitting process is authorized.
- No vote of the committee may overrule existing statutes, regulations, or local ordinances. The act expires March 31, 2003.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 28 members: Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Ahern, Anderson, Armstrong,

G. Chandler, Edmonds, Haigh, Hatfield, Hurst, Jackley, Jarrett, Marine, Mielke, Morell, Murray, Ogden, Reardon, Romero, Schindler, Simpson, Skinner, Sump, Wood and Woods.

Staff: Gene Baxstrom (786-7303).

Background:

The Legislature and the Governor formed the Blue Ribbon Commission on Transportation in 1998 to assess the local, regional, and state transportation system; ensure that current and future money is spent wisely; make the system more accountable and predictable; and prepare a 20-year plan for funding and investing in the transportation system. The commission consisted of 46 members representing business, labor, agriculture, tribes, government, ports, shipping, trucking, transit, rail, environmental interests, and the general public.

The commission made 18 recommendations to the Governor and the Legislature. Recommendation 11 recommends that Washington work toward a goal of one-stop environmental permitting for transportation projects. This process was to include development of substantive standards for road projects to streamline permit approvals and use of pilot projects to develop one-stop permitting, using a single permit application. Also recommended was seeking federal delegation of certain permitting authority by the state.

Summary of Bill:

The following projects are eligible for a streamlined environmental permitting process: pilot projects designated in this act, transportation projects of statewide significance, and projects selected for a programmatic approach by the transportation permit efficiency and accountability committee created in this act.

Transportation projects of statewide significance means a surface transportation project or combination of projects, that crosses multiple city or county jurisdictional boundaries or connects major destinations in support of the economy. These projects are designated by the Washington State Department of Transportation (WSDOT) and must be approved by the Senate and House Transportation Committees.

The Transportation Permit Efficiency and Accountability Committee (TPEAC) is created. The TPEAC must consist of the following nine voting members: four legislators, one of whom shall be chair, a Secretary of WSDOT designee, a Director of Department of Fish and Wildlife designee, a Director of Department of Ecology designee, an Association of Washington Cities designee, and a Washington State Association of Counties designee. The eight nonvoting members of the committee include representatives from the

construction industry, environmental interests, labor, and tribes. The WSDOT must provide administrative assistance to the TPEAC.

The TPEAC must assess the application of current environmental standards and integrate those standards where appropriate. The TPEAC must designate three pilot projects and use a streamlined process for permitting those projects. The TPEAC must also develop a list of streamlining opportunities and make recommendations to the Legislature on necessary statutory or administrative changes. Finally, the TPEAC must implement a streamlined permitting process for transportation projects of statewide significance based on the integrated standards developed by the committee. Committee action may not override existing statutes, regulations, or local ordinances. The committee must make twice yearly reports to the Legislature.

Local governments have three options for participating in the streamlined process. If a local government elects to be a participating entity, a representative from the local government will be part of the coordinated review of the project. If a local government elects to be an assigning entity, the local government will enter into an agreement with the department to define the local permit requirements that must be met. If a local government elects not to participate in the coordinated process, the department will conduct the local permitting process and must comply with the provisions of the city and county ordinances.

An interim process for permitting transportation projects of statewide significance is provided until the TPEAC adopts integrated standards and best management practices. This process is optional for the department and specifies a six-step process including early involvement of affected agencies, identification of permit requirements, selection of preferred alternatives, coordinated reviews and hearings, and allowance for time-lines for completing reviews and decisions.

This legislation expires March 31, 2003.

Appropriation: None.

Fiscal Note: Requested on May 21, 2001.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Improved coordination of permitting will save time and money on transportation projects and will result in better environmental mitigation.

Testimony Against: This legislation takes authority away from resource agencies and gives it to the Department of Transportation causing degradation of the environment with regard to transportation projects.

Testified: (Supports) Willie O’Neil, Associated General Contractors of Washington; Ashley Probart, Association of Washington Cities; Jackie White, Washington State Association of Counties; Greg Hueckal, Department of Fish and Wildlife; Doug McDonald, Department of Transportation; and Jerry Alb, Department of Transportation.

(Supports with concerns) Megan White, Department of Ecology.

(Opposed) Bruce Wishart, People for Puget Sound; and Craig Engelking, Sierra Club.