

**ESSB 6099** - H AMD TO H AMD (H3316.1) **841**  
By Representative Clibborn

WITHDRAWN 4/13/2007

1 Beginning on page 1, line 3 of the amendment, strike all  
2 material through "act." page 3, line 23, and insert the following:

3 NEW SECTION. **Sec. 1.** The legislature finds that the  
4 replacement of the vulnerable state route number 520 corridor is a  
5 matter of urgency for the safety of Washington's traveling public  
6 and the needs of the transportation system in central Puget Sound.  
7 The state route number 520 floating bridge is susceptible to  
8 damage, closure, or even catastrophic failure from earthquakes,  
9 windstorms, and waves. Additionally, the bridge serves as a vital  
10 route for vehicles to cross Lake Washington, carrying over three  
11 times its design capacity in traffic, resulting in more than seven  
12 hours of congestion per day.

13 Therefore, it is the conclusion of the legislature that time is  
14 of the essence, and that Washington state cannot wait for a  
15 disaster to make it fully appreciate the urgency of the need to  
16 replace this vulnerable structure. The state must take the  
17 necessary steps to move forward with a state route number 520  
18 bridge replacement project design consistent with the governor's  
19 findings and conclusions on the state route number 520 bridge  
20 replacement project, dated December 15, 2006. High occupancy  
21 vehicle lanes in the state route 520 corridor must also be able to  
22 support a bus rapid transit system.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01  
24 RCW to read as follows:

25 (1) As soon as practicable after the effective date of this  
26 act, and after consulting with the city of Seattle, the department  
27 shall hire a mediator, and appropriate planning staff, including  
28 urban, transportation, and neighborhood planners, to develop a  
29 state route number 520 project impact plan for addressing the  
30 impacts of the state route number 520 bridge replacement and HOV

1 project design on Seattle city neighborhoods, parks, including the  
2 Washington park arboretum, and institutions of higher education.  
3 The mediator must have significant professional experience in  
4 working with communities that surround major transportation  
5 construction projects, and mitigating the impacts of those  
6 transportation projects on those communities. The department shall  
7 hire the mediator and the planning staff within existing  
8 appropriations allocated for the state route number 520 bridge  
9 replacement and HOV project. The position of mediator under this  
10 section is not considered a certified or legally binding position.

11 (2) The mediator's responsibility to develop a project impact  
12 plan is highly time sensitive. As a result, competitive bidding is  
13 not cost-effective or appropriate for personal service contracts  
14 entered into by the department. The director of the office of  
15 financial management shall, by the director's authority under RCW  
16 39.29.011(5), exempt any such personal service contract from the  
17 competitive bidding requirements of chapter 39.29 RCW.

18 (3) In evaluating the project impacts, the mediator must  
19 consider the concerns of neighborhoods and institutions of higher  
20 education directly impacted by the proposed design, establish a  
21 process that incorporates interest-based negotiation, and work with  
22 the appropriate planning staff to develop mitigation  
23 recommendations related to the project design. The mediator shall  
24 work to ensure that the project impact plan provides a  
25 comprehensive approach to mitigating the impacts of the project,  
26 including incorporating construction mitigation plans.

27 (4) The ultimate goal of the mediation and planning process  
28 established in subsection (1) of this section is to develop a  
29 project impact plan agreed to by all appropriate parties including,  
30 but not limited to, those parties listed in subsection (6) of this  
31 section. The project impact plan must be consistent with RCW  
32 47.01.380, and must support and be consistent with the approved  
33 purpose and need statement for the project, which is: "The purpose  
34 of the project is to improve mobility for people and goods across  
35 Lake Washington within the SR 520 corridor from Seattle to Redmond  
36 in a manner that is safe, reliable, and cost-effective while  
37 avoiding, minimizing, and/or mitigating impacts on the affected  
38 neighborhoods and the environment." The mediator must strive to  
39 develop a consensus-based plan. In the event that the mediation

1 process does not result in consensus, the mediator shall submit a  
2 project impact plan to the governor and the joint transportation  
3 committee that reflects the views of the majority of the mediation  
4 participants.

5 (5) The process established in subsection (1) of this section  
6 shall result in a project design consistent with the project design  
7 criteria established in the governor's findings and conclusions,  
8 dated December 15, 2006, and shall be able to support a bus rapid  
9 transit system. Additionally, the mediator shall strive to develop  
10 a project impact plan within the constraints of the range of  
11 estimated project costs as of May 1, 2007.

12 (6)(a) In performing the duties of this section, and consistent  
13 with the governor's findings and conclusions, dated December 15,  
14 2006, the mediator shall work with interested parties directly  
15 affected by the state route number 520 bridge replacement and HOV  
16 project including, but not limited to, at least the following:

17 (i) Representation from each neighborhood directly impacted by  
18 the project;

19 (ii) Representation from local governments on both ends of the  
20 bridge directly impacted by the project;

21 (iii) Representation from King county;

22 (iv) Representation from the Washington park arboretum;

23 (v) Representation from the University of Washington; and

24 (vi) Representation from sound transit.

25 (b) The mediator shall also work with the department and others  
26 as necessary.

27 (c) Before the mediator may submit the project impact plan, it  
28 must be reviewed by the mayor of Seattle and a majority of the  
29 Seattle city council. The project impact plan must reflect whether  
30 the mayor and council concur or do not concur with the plan and  
31 include an explanation regarding their positions.

32 (7) Until December 1, 2008, the mediator must provide periodic  
33 reports to the joint transportation committee and the governor  
34 regarding the status of the project impact plan development  
35 process. The mediator must submit a progress report to the joint  
36 transportation committee and the governor by October 1, 2007. The  
37 mediator must submit a final project impact plan to the governor  
38 and legislature by December 1, 2008.

1           NEW SECTION. Sec. 3. A new section is added to chapter 47.01  
2 RCW to read as follows:

3           In developing the state route number 520 project impact plan  
4 provided in section 2 of this act, the mediator and associated  
5 planning staff shall review the department's project design plans  
6 in the draft environmental impact statement for conformance with  
7 the following legislative goals regarding the final design for the  
8 state route number 520 bridge replacement and HOV project:

9           (1) Minimize the total footprint and width of the bridge, and  
10 seek appropriate federal design variances to safety and mobility  
11 standards, while complying with other federal laws;

12           (2) Minimize the project impact on surrounding neighborhoods,  
13 including incorporation of green lids and connectors, and minimize  
14 any increases in additional traffic volumes through the Washington  
15 park arboretum and other adjacent neighborhoods;

16           (3) Incorporate the recommendations of a health impact  
17 assessment to calculate the project's impact on air quality, carbon  
18 emissions, and other public health issues, conducted by the Puget  
19 Sound clean air agency and King county public health;

20           (4) Ensure that the ultimate project configuration effectively  
21 prioritizes maintaining travel time, speed, and reliability on the  
22 two high-occupancy vehicle lanes; and

23           (5) Clearly articulate in required environmental documents the  
24 alignment of the selected preferred alternative for the state route  
25 number 520 bridge replacement and HOV project and the footprint of  
26 the project and the affected areas.

27           NEW SECTION. Sec. 4. A new section is added to chapter 47.01  
28 RCW to read as follows:

29           In addition to the review required in section 3 of this act,  
30 the mediator may determine that additional alternative concept  
31 designs should be considered for the west end of the project to  
32 best meet the expressed legislative goals described in section 3 of  
33 this act. The mediator may contract with an engineering firm to  
34 conduct an independent feasibility analysis of the following  
35 proposals: A combination of tunnels and submerged tubes under Lake  
36 Washington; a partial tunnel from Interstate 5 to the west end of  
37 the state route number 520 bridge; and a proposal to move state  
38 route number 520 from its current alignment through the arboretum.

1 The analyses for all alternative concept design plans must be  
2 submitted to the joint transportation committee and the governor by  
3 September 1, 2007. The mediator must hold a public hearing  
4 regarding the results of the independent review and reflect the  
5 independent review findings in the project impact plan. Up to two  
6 hundred fifty thousand dollars of the existing funding  
7 appropriation to the project shall be used for reviewing these  
8 alternative concept design plans.

9 **Sec. 5.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to  
10 read as follows:

11 (1) The department shall not commence construction on any part  
12 of the state route number 520 bridge replacement and HOV project  
13 until a record of decision has been reached providing reasonable  
14 assurance that project impacts will be avoided, minimized, or  
15 mitigated as much as practicable to protect against further adverse  
16 impacts on neighborhood environmental quality as a result of  
17 repairs and improvements made to the state route number 520 bridge  
18 and its connecting roadways, and that any such impacts will be  
19 addressed through engineering design choices, mitigation measures,  
20 or a combination of both.

21 (2) The department shall not commence on-site construction on  
22 any part of the state route number 520 bridge replacement and HOV  
23 project until the department submits the finance plan required in  
24 section 7 of this act to the legislature.

25 (3) The requirements of this section shall not apply to  
26 off-site pontoon construction supporting the state route number 520  
27 bridge replacement and HOV project.

28 **NEW SECTION.** **Sec. 6.** A new section is added to chapter 47.01  
29 RCW to read as follows:

30 As part of the state route number 520 bridge replacement and  
31 HOV project, the department shall immediately begin, in a  
32 cooperative, interest-based partnership with sound transit, King  
33 county metro, and the University of Washington, planning for high  
34 capacity transportation in the state route number 520 corridor.  
35 The parties shall jointly develop a multimodal transportation plan  
36 that ensures the effective and efficient coordination of bus  
37 services and light rail services throughout the state route number

1 520 corridor. The plan shall include provisions for a multimodal  
2 transit station that best serves the state route number 520 -  
3 Montlake interchange vicinity. The high capacity transportation  
4 planning work must be closely coordinated with the state route  
5 number 520 bridge replacement and HOV project's environmental  
6 planning process, and must be completed within the current funding  
7 for the project. A draft plan must be submitted to the governor  
8 and the joint transportation committee by October 1, 2007. A final  
9 plan must be submitted to the governor and the joint transportation  
10 committee by December 2008.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.01  
12 RCW to read as follows:

13 The state route number 520 bridge replacement and HOV project  
14 finance plan must include state funding, federal funding, at least  
15 one billion dollars in regional contributions, and revenue from  
16 tolling. The department must provide a proposed finance plan to be  
17 tied to the estimated cost of the recommended project solutions, as  
18 provided under section 3 of this act, to the governor and the joint  
19 transportation committee by January 1, 2008.

20 NEW SECTION. **Sec. 8.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of  
26 the state government and its existing public institutions, and  
27 takes effect immediately."

28 Correct the title.

**EFFECT:** Strikes all material in the striking amendment which  
relates to replacement of the state route 520 bridge and hiring  
a mediator to develop a project impact plan.

Requires that the state take the necessary steps to move  
forward with a state route number 520 bridge replacement  
project design that is consistent with the Governor's findings

and conclusions, dated December 15, 2006, and that is able to support a bus rapid transit system.

Directs the department to hire a mediator, and appropriate planning staff, to develop a state route number 520 project impact plan for addressing the impacts of the project design on Seattle city neighborhoods and parks, including the Washington park arboretum, and institutions of higher education.

Establishes that the ultimate goal of the mediation and planning process is to develop a project impact plan agreed to by all appropriate parties. Directs the mediator to work with with all interested parties including representatives from each directly impacted neighborhood; local governments on both ends of the bridge; King county; the Washington park arboretum; the University of Washington; and Sound Transit.

Requires that the mediator and planning staff review the department's project design plans in the draft environmental impact statement for conformance with certain legislative goals, including the goals of minimizing the total footprint and width of the bridge and the project's impact on surrounding neighborhoods.

Requires that the impact plan be reviewed by the mayor of Seattle and a majority of the Seattle city council.

Permits the mediator to determine that additional alternative concept designs should be considered for the west end of the project, and to contract with an engineering firm to conduct an independent feasibility analysis of certain proposals. Requires that any such independent analysis be submitted to the Joint Transportation Committee by September 1, 2007, and that the mediator must hold a public hearing on the results.

Until December 1, 2008, directs the mediator to provide periodic status reports to the Joint Transportation Committee and the Governor. Directs the mediator to submit a progress report to the Joint Transportation Committee and the Governor by October 1, 2007, and a final project impact plan to the Governor and Legislature by December 1, 2008.

Prohibits the Department of Transportation from beginning on-site construction on any part of the state route 520 project until it submits a finance plan to the Legislature that includes state funding, federal funding, at least \$1.1 billion dollars in regional contributions, and revenue from tolling.

Directs the Department of Transportation to immediately begin planning, in a cooperative, interest-based partnership, with Sound Transit, King County Metro, and the University of Washington, for high capacity transportation in the state route 520 corridor, and requires that the parties jointly develop a multimodal transportation plan that ensures the effective and efficient coordination of bus services and light rail services throughout the corridor.