

**ESSB 6099** - H AMD TO TR COMM AMD (H3316.1) **857**  
By Representative Clibborn

**ADOPTED 4/13/2007**

1 On page 1, beginning on line 3 of the amendment, strike all of  
2 sections 1 through 5 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 that provides six total lanes,  
19 with four general purpose lanes and two lanes that are for high  
20 occupancy vehicle travel that could also accommodate high capacity  
21 transportation, and the bridge shall also be designed to  
22 accommodate light rail in the future. High occupancy vehicle lanes  
23 in the state route 520 corridor must also be able to support a bus  
24 rapid transit system.

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

27 (1) As soon as practicable after the effective date of this  
28 act, and after consulting with the city of Seattle, the office of  
29 financial management shall hire a mediator, and appropriate

1 planning staff, including urban, transportation, and neighborhood  
2 planners, to develop a state route number 520 project impact plan  
3 for addressing the impacts of the state route number 520 bridge  
4 replacement and HOV project design on Seattle city neighborhoods,  
5 parks, including the Washington park arboretum, and institutions of  
6 higher education. The mediator must have significant professional  
7 experience in working with communities that surround major  
8 transportation construction projects, and mitigating the impacts of  
9 those transportation projects on those communities. The office of  
10 financial management shall hire the mediator and the planning staff  
11 within existing appropriations allocated for the state route number  
12 520 bridge replacement and HOV project. The position of mediator  
13 under this section is not considered a certified or legally binding  
14 position.

15 (2) The mediator's responsibility to develop a project impact  
16 plan is highly time sensitive. As a result, competitive bidding is  
17 not cost-effective or appropriate for personal service contracts to  
18 hire the mediator. The director of the office of financial  
19 management shall, by the director's authority under RCW  
20 39.29.011(5), exempt any such personal service contract from the  
21 competitive bidding requirements of chapter 39.29 RCW.

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

31 (4) The ultimate goal of the mediation and planning process  
32 established in subsection (1) of this section is to develop a  
33 project impact plan agreed to by all appropriate parties including,  
34 but not limited to, those parties listed in subsection (6) of this  
35 section. The project impact plan must be consistent with RCW  
36 47.01.380, and must support and be consistent with the approved  
37 purpose and need statement for the project, which is: "The purpose  
38 of the project is to improve mobility for people and goods across  
39 Lake Washington within the SR 520 corridor from Seattle to Redmond

1 in a manner that is safe, reliable, and cost-effective while  
2 avoiding, minimizing, and/or mitigating impacts on the affected  
3 neighborhoods and the environment." The mediator must strive to  
4 develop a consensus-based plan. In the event that the mediation  
5 process does not result in consensus, the mediator shall submit a  
6 project impact plan to the governor and the joint transportation  
7 committee that reflects the views of the majority of the mediation  
8 participants.

9 (5) The process established in subsection (1) of this section  
10 shall result in a project design that provides six total lanes,  
11 with four general purpose lanes and two lanes that are for high  
12 occupancy vehicle travel that could also accommodate high capacity  
13 transportation. The bridge shall also be designed to accommodate  
14 light rail in the future and to support a bus rapid transit system.  
15 Additionally, the mediator shall strive to develop a project impact  
16 plan within the constraints of the range of estimated project costs  
17 as of May 1, 2007.

18 (6)(a) In performing the duties of this section, and consistent  
19 with the governor's findings and conclusions, dated December 15,  
20 2006, the mediator shall work with interested parties directly  
21 affected by the state route number 520 bridge replacement and HOV  
22 project including, but not limited to, at least the following:

23 (i) Representation from each neighborhood directly impacted by  
24 the project;

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

27 (iii) Representation from King county;

28 (iv) Representation from the Washington park arboretum;

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

30 (vi) Representation from sound transit.

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

33 (c) Before the mediator may submit the project impact plan, it  
34 must be reviewed by the mayor of Seattle and the Seattle city  
35 council. The project impact plan must reflect whether the mayor  
36 and council concur or do not concur with the plan and include an  
37 explanation regarding their positions.

38 (7) Until December 1, 2008, the mediator must provide periodic  
39 reports to the joint transportation committee and the governor

1 regarding the status of the project impact plan development  
2 process. The mediator must submit a progress report to the joint  
3 transportation committee and the governor by August 1, 2007. The  
4 mediator must submit a final project impact plan to the governor  
5 and legislature by December 1, 2008.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01  
7 RCW to read as follows:

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

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

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

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

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

28 (5) Clearly articulate in required environmental documents the  
29 alignment of the selected preferred alternative for the state route  
30 number 520 bridge replacement and HOV project and the footprint of  
31 the project and the affected areas.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.01  
33 RCW to read as follows:

34 In addition to the review required in section 3 of this act,  
35 the mediator may determine that additional alternative concept  
36 designs should be considered for the west end of the project to  
37 best meet the expressed legislative goals described in section 3 of

1 this act. The mediator may contract with an engineering firm to  
2 conduct an independent feasibility analysis of the following  
3 proposals: A combination of tunnels and submerged tubes under Lake  
4 Washington; a partial tunnel from Interstate 5 to the west end of  
5 the state route number 520 bridge; and a proposal to move state  
6 route number 520 from its current alignment through the arboretum.  
7 The analyses for all alternative concept design plans must be  
8 submitted to the joint transportation committee and the governor by  
9 September 1, 2007. The mediator must hold a public hearing  
10 regarding the results of the independent review and reflect the  
11 independent review findings in the project impact plan. Up to two  
12 hundred fifty thousand dollars of the existing funding  
13 appropriation to the project shall be used for reviewing these  
14 alternative concept design plans.

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

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

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

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

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

36 As part of the state route number 520 bridge replacement and  
37 HOV project, the governor's office shall work with the department,

1 sound transit, King county metro, and the University of Washington,  
2 to plan for high capacity transportation in the state route number  
3 520 corridor. The parties shall jointly develop a multimodal  
4 transportation plan that ensures the effective and efficient  
5 coordination of bus services and light rail services throughout the  
6 state route number 520 corridor. The plan shall include  
7 alternatives for a multimodal transit station that serves the state  
8 route number 520 - Montlake interchange vicinity, and mitigation of  
9 impacts on affected parties. The high capacity transportation  
10 planning work must be closely coordinated with the state route  
11 number 520 bridge replacement and HOV project's environmental  
12 planning process, and must be completed within the current funding  
13 for the project. A draft plan must be submitted to the governor  
14 and the joint transportation committee by October 1, 2007. A final  
15 plan must be submitted to the governor and the joint transportation  
16 committee by December 2008.

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

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

26 NEW SECTION. **Sec. 8.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

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

**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 provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation. Further requires that the bridge be designed to accommodate light rail in the future and to support a bus rapid transit system in the corridor.

Directs the office of financial management to hire a mediator and appropriate planning staff to develop a 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 review the Department of Transportation'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 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.

Directs the mediator to provide to the Joint Transportation Committee and Governor: a progress report by August 1, 2007, periodic status reports, and a final project impact plan by December 1, 2008.

Prohibits the Department 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 Governor's Office to work with the Department, Sound Transit, King County Metro, and the University of

Washington, to plan 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.