

ESSB 6099 - H COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 04/13/2007

1 Strike everything after the enacting clause and insert the
2 following:

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

12 Therefore, it is the conclusion of the legislature that time is of
13 the essence, and that Washington state cannot wait for a disaster to
14 make it fully appreciate the urgency of the need to replace this
15 vulnerable structure. The state must take the necessary steps to move
16 forward with a state route number 520 bridge replacement project design
17 that provides six total lanes, with four general purpose lanes and two
18 lanes that are for high-occupancy vehicle travel that could also
19 accommodate high capacity transportation, and the bridge shall also be
20 designed to accommodate light rail in the future. 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 RCW
24 to read as follows:

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

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

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

19 (3) In evaluating the project impacts, the mediator must consider
20 the concerns of neighborhoods and institutions of higher education
21 directly impacted by the proposed design, establish a process that
22 incorporates interest-based negotiation, and work with the appropriate
23 planning staff to develop mitigation recommendations related to the
24 project design. The mediator shall work to ensure that the project
25 impact plan provides a comprehensive approach to mitigating the impacts
26 of the project, 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 project
29 impact plan agreed to by all appropriate parties including, but not
30 limited to, those parties listed in subsection (6) of this section.
31 The project impact plan must be consistent with RCW 47.01.380, and must
32 support and be consistent with the approved purpose and need statement
33 for the project, which is: "The purpose of the project is to improve
34 mobility for people and goods across Lake Washington within the SR 520
35 corridor from Seattle to Redmond in a manner that is safe, reliable,
36 and cost-effective while avoiding, minimizing, and/or mitigating
37 impacts on the affected neighborhoods and the environment." The
38 mediator must strive to develop a consensus-based plan. In the event

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

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

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

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

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

22 (iii) Representation from King county;

23 (iv) Representation from the Washington park arboretum;

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

25 (vi) Representation from sound transit.

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

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

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

1 a final project impact plan to the governor and legislature by December
2 1, 2008.

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

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

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

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

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

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

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

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

31 In addition to the review required in section 3 of this act, the
32 mediator may determine that additional alternative concept designs
33 should be considered for the west end of the project to best meet the
34 expressed legislative goals described in section 3 of this act. The
35 mediator may contract with an engineering firm to conduct an
36 independent feasibility analysis of the following proposals: A

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

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

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

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

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

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

32 As part of the state route number 520 bridge replacement and HOV
33 project, the governor's office shall work with the department, sound
34 transit, King county metro, and the University of Washington, to plan
35 for high capacity transportation in the state route number 520
36 corridor. The parties shall jointly develop a multimodal

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

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

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

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

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

30 Correct the title.

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