

SENATE BILL REPORT

SB 6599

As of February 24, 2012

Title: An act relating to permitting for the replacement of certain elements of the state route number 520 Evergreen Point bridge.

Brief Description: Concerning permitting for the replacement of certain elements of the state route number 520 Evergreen Point bridge.

Sponsors: Senators Haugen, King, Prentice, Conway, Eide, Hargrove, Swecker and Hill; by request of Department of Transportation.

Brief History:

Committee Activity: Transportation: 2/23/12.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Clint McCarthy (786-7319)

Background: In 2007 the Legislature authorized the Department of Transportation (DOT) to replace the SR 520 floating bridge. DOT plans to replace the bridge by the end of 2014. In August 2011 the Federal Highway Administration issued the Record of Decision for the project, which enabled DOT to obtain permits and begin construction. DOT is on schedule to receive the federal, state, and local permits, including shoreline permits, necessary to begin construction on April 1, 2012. Current law allows the appeal process to take as much as 240 days.

The Legislature has allowed DOT to proceed with construction of floating bridges while its shoreline permits were being appealed. The first instance was in 1979 while permitting the construction of the Hood Canal floating bridge. The second instance was in 1991 while permitting the construction of the I-90 floating bridge.

Summary of Bill: Current law concerning administering shoreline permits by local governments is amended. DOT may begin construction on the SR 520 Evergreen Point Bridge on or adjacent to Lake Washington 21 days after the issuance of a shoreline permit, including during any permit appeals process. The authorization to construct the floating bridge during the shoreline permit appeal process is limited to only those elements of the floating bridge and landings that do not preclude DOT's selection of a four-lane alternative between I-5 and Medina. This will enable DOT to install shaft anchors on the east end of the

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floating bridge between early April and May before work restrictions due to fisheries prevent DOT from doing work in the water during the summer months.

The Shorelines Hearings Board is not precluded from concluding that the project or any element of the project is inconsistent with the goals and policies of the Shoreline Management Act, or the local shoreline master program.

The bill applies retroactively to any appeals filed after January 1, 2012, and to any appeals filed on or after the effective date of this section and expires June 30, 2014.

The bill has an emergency clause.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Contractors are working on this project in Aberdeen, Seattle, and Tacoma. The project has created critical jobs, 450 jobs in Aberdeen and 175 jobs in Tacoma. These jobs would have to be put on hold for a year while the permit appeals process runs its course. There are two prior precedents for granting exemptions from Shoreline Permits. Unemployment in Grays Harbor is at 13.5 percent and not allowing the project to proceed on schedule would eliminate family wage jobs. SR 520 is a significant project to the entire state. DOT has worked hard to make this bill as narrow as possible.

CON: Opposition is not about the SR 520 project or the merits of the appeal. There are concerned it sets a dangerous precedent that DOT doesn't have to abide by shoreline laws. Once we damage shorelines, it's incredibly hard to repair them. We appreciate how a cap on damages has been removed from the bill. If there are stays granted, there is very little to incentivize compliance with laws. The prior two exemptions were granted in response to emergencies when sections of floating bridges had sunk. In this case, there is no such emergency.

Persons Testifying: PRO: Paula Hammond, DOT; Micah Doubleday, City of Bellevue; Brad Boswell, Seattle Chamber of Commerce; Tim Gibbs, Grays Harbor; Randy Loomans, International Union of Operating Engineers Local 302; Bob Abbott, Laborers District Council; Scott Jones, Carpenters; Duke Schwab, Assn. of General Contractors; Michael Groesch, Microsoft, the Washington Roundtable.

CON: April Putney, Futurewise; Mo McBroom, WA on Environmental Council.