
Transportation Committee

HB 2071

Brief Description: Authorizing expedited permitting and contracting for Washington state bridges deemed structurally deficient.

Sponsors: Representatives Zeiger, Blake, Orcutt, Takko, Short, Freeman, Scott, Rodne, Hayes, Hargrove, Haler, Kochmar, Pike, Angel, Smith, Manweller, MacEwen, Fagan and Vick.

Brief Summary of Bill

- Exempts the repair or replacement of structurally deficient bridges from the state and national environmental policy acts.
- Defines structurally deficient as a state bridge that requires the repair or replacement of a certain component.
- Includes the repair or replacement of a structurally deficient bridge in the circumstances when the Washington State Department of Transportation may use its emergency contracting procedures.

Hearing Date: 1/14/14

Staff: David Munnecke (786-7315).

Background:

The State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state agencies and local governments to identify possible environmental impacts that may result from non-exempted government actions. The actions include "project" actions involving decisions on specific projects, such as the issuance of a permit, and "nonproject" actions involving decisions on policies and plans, including the adoption of land use plans and regulations. The information collected through the SEPA review process may be used to change a proposal to mitigate likely impacts, or to condition or deny a proposal when adverse environmental impacts are identified.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Provisions of the SEPA generally require a project applicant to complete an environmental checklist. An environmental checklist includes, in part, questions about the potential environmental impacts of the proposal. This checklist is then reviewed by the lead agency (one agency identified as such and responsible for compliance with the procedural requirements of the SEPA) to determine whether the proposal is likely to have a significant adverse environmental impact. This environmental "threshold determination" is made by the lead agency and is documented in either a determination of nonsignificance or a determination of significance.

A determination of significance requires the preparation an environmental impact statement (EIS) by the lead agency. The EIS must include detailed information about the environmental impact of the project, any adverse environmental effects that cannot be avoided if the proposal is implemented. The EIS must also include alternatives, including mitigation, to the proposed action. Analysis of environmental considerations for an EIS may be required only for listed "elements" of the natural and built environment.

Specific categorical exemptions from the EIS and other requirements for actions meeting specified criteria are established in the SEPA.

The National Environmental Policy Act.

The National Environmental Policy Act (NEPA) establishes a review process that is similar to the SEPA process to determine the environmental impact of federal undertakings. There are three levels of analysis that can be undertaken pursuant to the NEPA:

- categorical exclusion determination, which determines if the project meets certain criteria which have been previously determined to indicate that the project will have no significant environmental impact;
- environmental assessment, which requires the preparation of a written assessment of whether the project will have a significant impact on the environment; and
- environmental impact assessment, which is a more detailed evaluation of the proposed project and potential alternatives.

Emergency Contracting.

The Washington State Department of Transportation (WSDOT), in the event of an accident, earthquake, or other emergency that damages or threatens a state highway, may obtain at least three bids from prequalified contractors without publishing a call for bids and award a contract to the lowest responsible bidder. The WSDOT is required to notify any association or organization of contractors that has filed a request to receive notification of the emergency project.

Summary of Bill:

A structurally deficient bridge is defined as a state bridge that requires repair or replacement of a certain component including, but not limited to, cracked or spalled concrete, the bridge deck, the support structure, or the entire bridge.

A state bridge that is determined by the WSDOT to be structurally deficient under Federal Highway Administration standards may be repaired or replaced using the existing emergency contracting process available to the WSDOT. Any repair or replacement work on such a bridge is also excluded from the requirement to prepare an environmental assessment or impact statement under the SEPA or the NEPA.

The design, funding, permitting, and construction of any repair or replacement of a state bridge deemed structurally deficient under the state definition described above is not subject to the SEPA if the repair or replacement is not subject to any level of environmental review under the NEPA.

The repair or replacement of a structurally deficient bridge is included in the circumstances when the Washington State Department of Transportation may use its existing emergency contracting procedures.

Appropriation: None.

Fiscal Note: Requested on January 9, 2014.

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