

HOUSE BILL REPORT

HB 2071

As Reported by House Committee On: Transportation

Title: An act relating to expedited permitting and contracting for Washington state bridges deemed structurally deficient.

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 History:

Committee Activity:

Transportation: 1/14/14, 1/29/14, 1/30/14, 2/4/14 [DPS].

Brief Summary of Substitute Bill

- Exempts the repair or replacement of structurally deficient bridges, within certain parameters, from the State Environmental Policy Act.
- Defines structurally deficient as a state bridge that is rated as poor under the state bridge condition rating system and is reported to the national bridge inventory system as having a rating below four in certain areas.
- 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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Hayes, Johnson, Klippert, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Pike, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Walkinshaw, Young and Zeiger.

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.

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.

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 of an environmental impact statement (EIS) by the lead agency. The EIS must include detailed information about the environmental impact of the project, and 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 statement, 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 Substitute Bill:

An exemption from the SEPA is created for the repair or replacement of a structurally deficient state bridge that occurs within the existing right-of-way, unless necessary to meet current engineering standards or state or local environmental permit requirements. The repair or replacement cannot add additional automobile lanes.

A structurally deficient bridge is defined as a state bridge that is classified as poor under the state bridge condition rating system and is reported to the national bridge inventory as having a deck, superstructure, or substructure rating of below four.

The repair or replacement of a structurally deficient bridge is included in the circumstances when the WSDOT may use its existing emergency contracting procedures. The WSDOT may also notify contractors of the availability of emergency contracting work that the contractor is not otherwise notified of through the existing methods of notification.

Substitute Bill Compared to Original Bill:

The intent section is modified to reflect that the official name of the bridge over the Skagit River on Interstate 5 (I-5) is the Trooper Sean M. O'Connell Jr. Memorial Bridge.

The exemption from the SEPA is limited to the repair or replacement of a structurally deficient state bridge that occurs within the existing right-of-way, unless necessary to meet current engineering standards or state or local environmental permit requirements. The repair or replacement also cannot add additional automobile lanes.

The exemption from certain federally required environmental reporting is removed.

The definition of structurally deficient is modified so that it is met by a bridge that is classified as poor under the state bridge condition rating system and is reported to the national bridge inventory as having a deck, superstructure, or substructure rating of below four in certain areas.

The WSDOT may notify contractors of the availability of emergency contracting work that the contractor is not otherwise notified of through the existing methods of notification.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Remarkable efforts were made to replace the Skagit River bridge on I-5 when it collapsed. Similar efforts should be made for all of the structurally deficient bridges in the state. An accelerated process should be created and made available in the case of all such bridges.

This bill allows for the bypass of the current, longer process, which will save time and money and thus allow for the completion of more projects. This bill would apply only to state structurally deficient bridges.

This bill insures that a competitive process will occur under the statute, especially if the WSDOT reaches out as widely as possible. We don't want to exclude contractors in our efforts to speed the process.

Some local bridges have already been taken down due to structural deficiencies. The improvements created by this bill should be extended to local bridges as well.

The WSDOT agrees with efforts to expedite permitting for projects, but wants to be sure that definitions are consistent and that federal law is respected.

(Opposed) None.

Persons Testifying: Representative Zeiger, prime sponsor; Duke Schaub, Association of General Contractors of Washington; Doug Levy, City of Puyallup; Mike Ennis, Association of Washington Business; Gary Smith, Independent Business Association; and Megan White, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.