

SENATE BILL REPORT

ESHB 1978

As of April 22, 2013

Title: An act relating to permitting certain transportation projects.

Brief Description: Addressing the permitting of certain transportation projects.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Orcutt, O'Ban, Hargrove, Liias, Fey, Moscoso and Morrell).

Brief History: Passed House: 4/18/13, 93-1.

Committee Activity: Transportation:

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kelly Simpson (786-7403)

Background: In December 2000, the Blue Ribbon Commission on Transportation recommended, among other things, that the state streamline permitting for transportation projects. Pursuant to this recommendation, in 2001, projects selected for a programmatic approach by the Transportation Permit Efficiency and Accountability Committee (TPEAC) were made eligible for a streamlined environmental permitting process.

TPEAC was required to assess the application of then-current environmental standards and integrate those standards where appropriate. TPEAC was also required to designate three pilot projects and use a streamlined process for permitting those projects. An interim process for permitting transportation projects of statewide significance applied until TPEAC adopted integrated standards and best management practices. This process was optional for the Washington State Department of Transportation (WSDOT) and specified a six-step process including early involvement of affected agencies, identification of permit requirements, selection of preferred alternatives, coordinated reviews and hearings, and timelines for completing reviews and decisions. The legislation establishing TPEAC, and the various related environmental permitting processes, expired in 2006.

Summary of Bill: WSDOT must use an expedited environmental review and approval process for any transportation project requiring the preparation of an environmental impact statement (EIS) under the National Environmental Policy Act, consisting of the following seven steps:

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.

- Step 1: Public and Agency Involvement in Defining the Purpose and Scope of Environmental Review. This first step in the process would include notice to the public and a 30-day comment period. WSDOT must consider input from the public, agencies, and tribes before finalizing the project purpose and scope of environmental review.
- Step 2: Identify Participating Agencies and Convene Meeting with an Interdisciplinary Team. This step requires (1) the identification of any governmental agencies with an interest in the project, (2) an invitation to these agencies to serve as participating agencies, in order to provide input on various aspects of the review, and (3) the formation of an interdisciplinary team consisting of participating agency staff and key WSDOT technical specialists, which must convene during each subsequent step.
- Step 3: Participating Agency Involvement During the Screening of Alternatives. This step requires notifying participating agencies that the screening of project alternatives began and encouraging input from the agencies regarding impacts of the various project alternatives. WSDOT must consider the agency input prior to selecting the preferred project alternative.
- Step 4: Participating Agency Involvement During the Identification of Environmental Permits and Approvals, Application Procedures, and Decision Standards. This step requires WSDOT, in consultation with the participating agencies, to identify all permits and other approvals the agencies might require for each project alternative, and to then compile a list of all permits and approvals it believes are needed for the project under each alternative being considered.
- Step 5: Complete an Environmental Analysis and Issue a Draft EIS. This step requires WSDOT to provide notice of the availability of the draft EIS to participating agencies, tribal governments, and the public. State, county, and city agencies must, and federal agencies are encouraged to, provide written comments on the draft EIS no later than 45 days after WSDOT posts notice.
- Step 6: Develop a Final EIS. This step requires WSDOT to (1) work with the federal lead agency to consider and respond to all substantive comments received during the comment period, (2) evaluate public and agency comments on the draft EIS to determine if the statement sufficiently identifies and analyzes the impacts and mitigation of the proposed action, and (3) engage participating agencies in refining alternatives and completing the environmental review.
- Step 7: Issue a Final EIS. This step requires the final EIS to contain WSDOT's final recommendation and preferred alternative, a summary of the comments received on the draft EIS and the response, and a description of the procedures required to ensure that mitigation measures are implemented. WSDOT must provide notice of the final EIS and the federal lead agency's record of decision.

WSDOT must streamline the permitting process by (1) continuing to use a multiagency permit program, (2) establishing programmatic agreements and permits with applicable agencies to expedite compliance with certain legal requirements, (3) collaborating with certain permitting staff, and (4) ensuring that permit applications are complete before submitting them to the regulatory agencies.

WSDOT must ensure that its qualified environmental staff supervises the development of all environmental documentation and oversees project work in order to ensure environmental compliance.

The Department of Ecology must update its rules regarding integrating national and state environmental policy act compliance and must convene a workgroup regarding local permitting of transportation projects under the Shoreline Management Act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.