

# HOUSE BILL REPORT

## HB 1219

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### 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, Clibborn, Orcutt, Fey, Kochmar, Hargrove, Muri, Ortiz-Self, Pike, Hayes, Stambaugh, Magendanz, Buys, Moscoso, Haler, Condotta and Wilson.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 1/28/15, 2/2/15 [DP].

#### **Brief Summary of Bill**

- Exempts the repair or replacement of structurally deficient bridges from the State Environmental Policy Act, within certain parameters.
- Defines structurally deficient as a state bridge that is at or below particular ratings.
- 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.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist, Gregerson, Harmsworth, Hayes, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Sells, Shea, Takko, Tarleton, Wilson, Young and Zeiger.

**Staff:** David Munnecke (786-7315).

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*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.*

## **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.

### 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.

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## **Summary of Bill:**

The intent section indicates that there are 130 state-owned bridges that are classified as structurally deficient, and that these bridges should be repaired or replaced as efficiently and expeditiously as possible.

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

The repair or replacement of a state bridge that is determined by the WSDOT to be structurally deficient under the definition described above is exempt from compliance with the SEPA, so long as the repair or replacement occurs within the existing right-of-way except as needed to meet current engineering standards or environmental permit requirements. The repair or replacement that occurs pursuant to this exemption may not result in additional lanes for automobiles.

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

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There are currently 130 structurally deficient bridges in the State of Washington. The Skagit River bridge that collapsed was quickly repaired using the WSDOT's emergency contracting procedures. This bill would allow for structurally deficient bridges to be repaired or replaced in an expedited fashion using those same emergency contracting procedures.

This bill would improve the condition of the state's bridges, and do so in a manner that would reduce permitting requirements and thus the costs associated with those requirements.

(Opposed) None.

**Persons Testifying:** Representative Zieger, prime sponsor; Duke Schaub, Association of General Contractors of Washington; and Bob Pishue, Washington Policy Center.

**Persons Signed In To Testify But Not Testifying:** None.