

SENATE BILL REPORT

SHB 1851

As of March 23, 2015

Title: An act relating to expedited permitting and contracting for bridges owned by local governments that are deemed structurally deficient.

Brief Description: Creating an expedited permitting and contracting process for bridges owned by local governments that are deemed structurally deficient.

Sponsors: House Committee on Environment (originally sponsored by Representatives Hayes, Bergquist, Zeiger, Takko, Harmsworth, Wilson, Griffey, Hargrove, Smith and Magendanz).

Brief History: Passed House: 3/10/15, 98-0.

Committee Activity: Transportation: 3/23/15.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Clint McCarthy (786-7319)

Background: The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits. Except for projects that are exempt from SEPA requirements, SEPA generally requires a project applicant to submit an environmental checklist that includes answers to questions about the potential impacts of the project on the built and natural environments. 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. The SEPA statute and rules contain exemptions for certain actions which do not require the submission of a checklist or the development of an environmental impact statement. Among the activities exempt in SEPA rules adopted by the Department of Ecology (Ecology) are repair projects for roads, bridges, and other transportation infrastructure that are undertaken by the Washington State Department of Transportation (WSDOT) that take place within an existing right-of-way and that do not add automobile lanes or otherwise change the capacity or function of the infrastructure.

In the event of an accident, earthquake, or other emergency that damages or jeopardizes a state highway, WSDOT may obtain at least three bids from prequalified contractors to reconstruct or repair the bridge without publishing a call for bids under typical public works

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contracting procedures. Under this expedited contracting process, WSDOT must award a contract to the lowest responsible bidder.

WSDOT evaluates and rates several aspects of the design, function, and condition of bridges in the state. Bridges deemed to be in poor condition, which is the lowest bridge condition rating, show advanced deficiencies such as cracking, deterioration, or seriously affected primary structural components. Likewise, the Federal Highway Administration maintains a national bridge inventory, which contains information about the use, size, location, design, and condition of bridges nationwide. In the national bridge inventory, the condition of bridges is evaluated on a scale of zero to nine, with zero being designated for failed, out-of-service bridges beyond corrective action, and nine being designated for bridges in excellent condition. A bridge rating of four indicates poor condition, which is indicated by spalling – a depression in concrete caused by the separation of surface concrete; scour – erosion of bank or streambed material around bridge piers or abutments; and other signs of bridge component corrosion.

Summary of Bill: Ecology must amend SEPA rules so that the categorical exemption available to WSDOT infrastructure projects is also available for repair or replacement projects involving a structurally deficient city, town, or county bridge.

Cities, towns, and counties may use the expedited contracting process currently available to WSDOT in order to repair or replace a structurally deficient bridge.

To be classified as structurally deficient, a bridge must have a poor condition classification in the state bridge rating system and must feature a deck, superstructure, or substructure rating of four or below in the national bridge inventory. Structurally deficient bridges are also described as possessing reduced load-carrying capacity and deteriorated conditions of significant bridge elements.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill narrowly addresses the SEPA process only. It allows cities and counties the same flexibility that is given to WSDOT. This is a good bill that expedites important projects, but the substitute bill adds a layer of bureaucracy that increases the administrative burden by directing Ecology to undergo a rulemaking process.

Persons Testifying: PRO: Doug Levy, cities of Puyallup and Everett; Gary Rowe, WA State Assn. of Counties; Duke Schaub, Associated General Contractors of WA.

Persons Signed in to Testify But Not Testifying: No one.