

SENATE BILL REPORT

2ESSB 5994

As Passed Senate, June 28, 2015

Title: An act relating to permits for state transportation corridor projects.

Brief Description: Concerning permits for state transportation projects.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Fain, Lias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, Hewitt, Becker, Brown and Bailey).

Brief History:

Committee Activity: Transportation: 2/17/15, 2/19/15 [DPS, DNP].

Passed Senate: 2/27/15, 39-19.

Third Special Session: Passed Senate: 6/28/15, 37-8.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5994 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair; Hobbs, Ranking Minority Member; Lias, Assistant Ranking Minority Member; Baumgartner, Litzow, Miloscia, Rivers and Sheldon.

Minority Report: Do not pass.

Signed by Senators Cleveland, Habib, Jayapal and Pedersen.

Staff: Clint McCarthy (786-7319)

Background: Current law contains various local government permit requirements and procedures applicable to state transportation projects. The Department of Transportation (DOT) does not have the option to appeal permits to superior courts prior to an appeals process heard by local hearing officers or other local appeals processes. Third parties have the right to appeal permits issued by cities, counties, or code cities to DOT. Statute is silent on how long local permitting agencies should take to issue permits. Solid waste or waste is narrowly defined as putrescible and nonputrescible solid and semisolid waste including, but not limited to, the following:

- garbage;
- rubbish;

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- ashes;
- industrial wastes;
- swill;
- sewage sludge;
- demolition and construction wastes;
- abandoned vehicles or parts thereof; and
- recycled materials.

Summary of Second Engrossed Substitute Bill: To the greatest extent practicable, a permit must be issued by a city, county, or code city to DOT within 90 days of DOT completing a permit application for transportation projects under \$500 million. DOT is directed to coordinate a state agency workgroup in 2016 that identifies issues, laws, and regulations relevant to consolidating and coordinating National Environmental Policy Act processes with State Environmental Policy Act processes. The workgroup must report by December 31, 2016, to the Legislature with recommendations for legislation or rules that would reduce delays and time associated with review by state and federal agencies, including suggestions for new categorical exemptions.

For projects that address significant public safety risks, the Shorelines Management Act is amended to allow DOT to begin construction 21 days after the date of filing a permit. DOT must provide local governments with a plan that avoids and minimizes impacts to shoreline ecological functions. DOT is exempt from obtaining a substantial development permit under the Shorelines Management Act as long as the projects maintain, repair, or replace elements within the roadway prism. DOT must provide written notification of projects and activities authorized under this section with a cost in excess of \$1 million before the design or plan is finalized with government stakeholders, as well as adjacent property owners.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Projects are expedited and cost less under the act.

CON: Not allowing third parties to appeal permits is a concern. This cuts advocacy organizations and communities from holding contractors accountable.

OTHER: Concerns are voiced that blanket exemptions from the National Environmental Policy Act means DOT is exempt from the State Environmental Policy Act. The Department of Ecology thinks this has been changed through rulemaking. Concerns are voiced that high pH level concrete can leach acid into water. Section 2 of the bill has already been completed. Major projects would be exempt from the shorelines permits. The bill restricts community involvement.

Persons Testifying: PRO: Carolyn Logue, South Sound Chambers of Commerce Legislative Coalition.

CON: Bryce Yadon, Futurewise; Joe Kendo, WA State Labor Council; Bruce Wishart, Sierra Club; Ellicott Dandy, OneAmerica.

OTHER: Paul Roberts, Vice President, Assn. of WA Cities, Councilmember, city of Everett; Lynn Peterson, DOT, Secretary; Tom Clingman, Dept. of Ecology.