

SENATE BILL REPORT

SB 5996

As of February 18, 2015

Title: An act relating to Washington state department of transportation projects.

Brief Description: Concerning Washington state department of transportation projects.

Sponsors: Senators King, Hobbs, Fain, Lias, Litzow, Braun, Schoesler, Parlette, Dammeier, Warnick, Sheldon, O'Ban, Hewitt, Becker and Brown.

Brief History:

Committee Activity: Transportation: 2/17/15.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Clint McCarthy (786-7319)

Background: The development of environmental impact statements at the Department of Transportation (WSDOT) requires working with a variety of stakeholders and permitting agencies. There is no broad, formalized process for WSDOT to follow in statute that ensures an efficient process that involves the participation of stakeholders along with various permitting agencies.

WSDOT's website tracks construction change orders, which may include costs due to design errors, that exceed \$500,000 in compliance with Section 603 of the 2014 Supplemental Transportation Budget – ESSB 6001.

Summary of Bill: The Department of Ecology (Ecology) is directed to update rules for integrating use of National Environmental Policy Act documents in decisions. Ecology is also directed to update, but not decrease, the rule-based categorical exemptions for transportation maintenance activities.

A seven-step process is created for an expedited environmental review and approval process for any transportation project requiring the preparation of an environmental impact statement. The seven steps include the following:

- public and agency involvement in defining the project purpose and scope of environmental review;
- identify participating agencies and convene meetings with an interdisciplinary team;
- involve participating agencies during the screening of alternatives;

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.

- involve all participating agencies in identifying environmental permits and approvals, application procedures, and decision standards;
- complete an environmental analysis and issue a draft environmental impact statement;
- develop a final environmental impact statement; and
- issue a final environmental impact statement.

WSDOT is directed to streamline its permitting process by developing and maintaining positive relationships with permitting agencies and the Indian tribes. The Legislature directs WSDOT to demonstrate the capacity to meet its environmental responsibilities. Activities that will achieve this result include having qualified WSDOT staff supervise all environmental documentation in accordance with WSDOT's project delivery tools, holding pre-bid meetings for environmentally complex projects, and conducting field inspections to ensure that project activities comply with permit conditions and environmental commitments.

WSDOT must provide an annual report summarizing violations of environmental permits and regulations to Ecology and the Legislature on March 1 of each year for violations occurring during the preceding year.

WSDOT must use available technologies to minimize permit delays for, inform, and interact with a workgroup of interested parties regarding, and optimize the effectiveness of, proposed compensatory mitigation projects. WSDOT also must consider the correction of fish-passage barriers on city streets and county roads within the same watershed as a proposed project for compensatory mitigation. WSDOT must report to the Legislature on the use, effectiveness, and suggested improvements to the new mitigation option by December 1, 2015.

By August 1, 2015, Ecology must provide a report on the outcome of the workgroup to the appropriate committees of the Legislature. WSDOT must provide an annual report summarizing violations of environmental permits and regulations to Ecology and the Legislature on March 1 of each year for violations occurring during the preceding year. WSDOT must submit a report to the transportation committees of the Legislature by December 1, 2015, regarding the effectiveness of the mitigation programs. These programs include the forestry riparian easement program, the riparian open space program, and the family forest fish passage program.

WSDOT must submit a report to the transportation committees of the Legislature detailing engineering errors on highway construction projects resulting in project cost increases in excess of \$500,000. An initial report is due within 30 days of the engineering error occurring. A full report must be submitted within 90 days of the engineering error occurring. The full report must include an assessment of how the engineering error happened, what employees made the error – without disclosing the name of the employee or employees, and what corrective action was taken.

This bill takes effect only if SB 5987, concerning transportation revenue, takes effect by June 30, 2015.

Appropriation: None.

Fiscal Note: Requested on February 13, 2015.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2015.

Staff Summary of Public Testimony: PRO: The bill gives guidance to cities on how they can participate in the development of permits.

OTHER: The cause might not be known within 30 days. It will hurt taxpayers by exposing the Department to more risk with contractors.

Persons Testifying: PRO: Bryce Yadon, Futurewise; Carolyn Logue, South Sound Chambers of Commerce Legislative Coalition; Vince Oliveri, Professional and Technical Employees.

OTHER: Lynn Peterson, WSDOT, Secretary; Tom Clingman, Dept. of Ecology.