

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5806

65th Legislature
2017 Regular Session

Passed by the Senate April 17, 2017
Yeas 44 Nays 4

President of the Senate

Passed by the House April 6, 2017
Yeas 59 Nays 37

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5806** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5806

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senate Transportation (originally sponsored by Senators Cleveland, Rivers, Wilson, Hobbs, Chase, and Nelson)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to preliminary work to develop a process for
2 planning for a new Interstate 5 bridge spanning the Columbia river;
3 amending RCW 43.157.030; reenacting and amending RCW 43.157.010;
4 adding a new section to chapter 47.01 RCW; creating a new section;
5 and making an appropriation.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington is
8 one of our nation's trade leaders, serving as a gateway to both
9 international and interstate trade for the west. Clark county's
10 population has grown by thirty percent over the past fifteen years.
11 Recent southwest Washington regional transportation council data
12 found a greater than fifty percent year-over-year increase in peak-
13 hour vehicle and truck delays on the Interstate 5 corridor through
14 Vancouver. Southwest Washington must find a path forward to
15 establishing a unified plan for infrastructure investments that will
16 serve as the basis for progress for the next one hundred years. The
17 safety and economic well-being of our residents cannot wait.
18 Legislators representing southwest Washington have set out some
19 guiding principles that will enable a planning process to begin to
20 select a new Interstate 5 bridge project that will serve as the
21 foundation of an initial investment in the bridges that link

1 Washington with Oregon, supporting critical trade routes, alleviating
2 congestion, and improving safety.

3 **Sec. 2.** RCW 43.157.010 and 2012 c 63 s 2 are each reenacted and
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter and
6 RCW 28A.525.166, (~~(28B.76.210, —28C.18.080,)~~) 43.21A.350, and
7 90.58.100, unless the context requires otherwise:

8 (1) "Applicant" means a person applying to the department for
9 designation of a development project as a project of statewide
10 significance.

11 (2) "Aviation biofuels production facility" means a facility
12 primarily for the processing of nonfossil biogenic feedstocks to
13 produce aviation fuels that meet the fuel quality technical standards
14 of the American society for testing materials for aviation fuels and
15 coproducts.

16 (3) "Department" means the department of commerce.

17 (4) "Manufacturing" shall have the meaning assigned it in RCW
18 82.62.010.

19 (5)(a) "Project of statewide significance" means:

20 (i) A border crossing project that involves both private and
21 public investments carried out in conjunction with adjacent states or
22 provinces;

23 (ii) A development project that will provide a net environmental
24 benefit;

25 (iii) A development project in furtherance of the
26 commercialization of innovations;

27 (iv) A private industrial development with private capital
28 investment in manufacturing or research and development; (~~(or)~~)

29 (v) An aviation biofuels production facility; or

30 (vi) A project designated by the legislature and codified under
31 this chapter.

32 (b) To qualify for designation under RCW 43.157.030 as a project
33 of statewide significance:

34 (i) The project must be completed after January 1, 2009;

35 (ii) The applicant must submit an application to the department
36 for designation as a project of statewide significance to the
37 department of commerce; and

38 (iii) Except for an aviation biofuels production facility, the
39 project must have:

- 1 (A) In counties with a population less than or equal to twenty
2 thousand, a capital investment of five million dollars;
- 3 (B) In counties with a population greater than twenty thousand
4 but no more than fifty thousand, a capital investment of ten million
5 dollars;
- 6 (C) In counties with a population greater than fifty thousand but
7 no more than one hundred thousand, a capital investment of fifteen
8 million dollars;
- 9 (D) In counties with a population greater than one hundred
10 thousand but no more than two hundred thousand, a capital investment
11 of twenty million dollars;
- 12 (E) In counties with a population greater than two hundred
13 thousand but no more than four hundred thousand, a capital investment
14 of thirty million dollars;
- 15 (F) In counties with a population greater than four hundred
16 thousand but no more than one million, a capital investment of forty
17 million dollars;
- 18 (G) In counties with a population greater than one million, a
19 capital investment of fifty million dollars;
- 20 (H) In rural counties as defined by RCW 82.14.370, projected
21 full-time employment positions after completion of construction of
22 fifty or greater;
- 23 (I) In counties other than rural counties as defined by RCW
24 82.14.370, projected full-time employment positions after completion
25 of construction of one hundred or greater; or
- 26 (J) Been qualified by the director of the department as a project
27 of statewide significance either because:
- 28 (I) The economic circumstances of the county merit the additional
29 assistance such designation will bring;
- 30 (II) The impact on a region due to the size and complexity of the
31 project merits such designation;
- 32 (III) The project resulted from or is in furtherance of
33 innovation activities at a public research institution in the state
34 or is in or resulted from innovation activities within an innovation
35 partnership zone; or
- 36 (IV) The project will provide a net environmental benefit as
37 evidenced by plans for design and construction under green building
38 standards or for the creation of renewable energy technology or
39 components or under other environmental criteria established by the

1 director in consultation with the director of the department of
2 ecology.

3 A project may be qualified under this subsection (5)(b)(iii)(J)
4 only after consultation on the availability of staff resources of the
5 office of regulatory assistance.

6 (6) "Research and development" shall have the meaning assigned it
7 in RCW 82.62.010.

8 **Sec. 3.** RCW 43.157.030 and 2009 c 421 s 4 are each amended to
9 read as follows:

10 (1) The department of (~~community, trade, and economic~~
11 ~~development~~) commerce shall:

12 (a) Develop an application for designation of development
13 projects as projects of statewide significance. The application must
14 be accompanied by a letter of approval from the legislative authority
15 of any jurisdiction that will have the proposed project of statewide
16 significance within its boundaries. No designation of a project as a
17 project of statewide significance shall be made without such letter
18 of approval. The letter of approval must state that the jurisdiction
19 joins in the request for the designation of the project as one of
20 statewide significance and has or will hire the professional staff
21 that will be required to expedite the processes necessary to the
22 completion of a project of statewide significance. The development
23 project proponents may provide the funding necessary for the
24 jurisdiction to hire the professional staff that will be required to
25 so expedite. The application shall contain information regarding the
26 location of the project, the applicant's average employment in the
27 state for the prior year, estimated new employment related to the
28 project, estimated wages of employees related to the project,
29 estimated time schedules for completion and operation, and other
30 information required by the department; and

31 (b) Designate a development project as a project of statewide
32 significance if the department determines:

33 (i) After review of the application under criteria adopted by
34 rule, the development project will provide significant economic
35 benefit to the local or state economy, or both, the project is
36 aligned with the state's comprehensive plan for economic development
37 under RCW 43.162.020, and, by its designation, the project will not
38 prevent equal consideration of all categories of proposals under RCW
39 43.157.010; and

1 (ii) The development project meets or will meet the requirements
2 of RCW 43.157.010 regarding designation as a project of statewide
3 significance.

4 (2) Any project designated by the legislature and codified in
5 this chapter is not subject to the application requirements set out
6 in subsection (1) of this section.

7 (3) The office of regulatory assistance shall assign a project
8 facilitator or coordinator to each project of statewide significance
9 to:

10 (a) Assist in the scoping and coordinating functions provided for
11 in chapter 43.42 RCW;

12 (b) Assemble a team of state and local government and private
13 officials to help meet the planning, permitting, and development
14 needs of each project, which team shall include those responsible for
15 planning, permitting and licensing, infrastructure development,
16 workforce development services including higher education,
17 transportation services, and the provision of utilities; and

18 (c) Work with each team member to expedite their actions in
19 furtherance of the project.

20 NEW SECTION. Sec. 4. A new section is added to chapter 47.01
21 RCW to read as follows:

22 (1) On behalf of the state, the legislature of the state of
23 Washington invites the legislature of the state of Oregon to
24 participate in a joint legislative action committee regarding the
25 construction of a new Interstate 5 bridge spanning the Columbia river
26 that achieves the following purposes:

27 (a) Works with both states' departments of transportation and
28 transportation commissions and stakeholders to begin a process toward
29 project development. It is assumed that the appropriate local and
30 bistate entities already tasked with related work will also be
31 included when the legislative and interagency agreements are ready to
32 move forward. The legislative action committee must convene its first
33 meeting by December 15, 2017;

34 (b) Reviews and confirms lead roles related to permitting,
35 construction, operation, and maintenance of a future Interstate 5
36 bridge project;

37 (c) Establishes a process to seek public comment on the
38 Interstate 5 bridge project development plan selected and presents
39 final recommendations for the process and financing to both states;

1 (d) Works to ensure that there are sufficient resources available
2 to both states' departments of transportation to inventory and
3 utilize existing data and any prior relevant work to allow for
4 nonduplicative and efficient decision making regarding a new project;

5 (e) Examines all of the potential mass transit options available
6 for a future Interstate 5 bridge project;

7 (f) Utilizes design-build procurement, or an equivalent or better
8 innovation delivery method, and determines the least costly, most
9 efficient project management and best practices tools consistent with
10 work already completed including, but not limited to, height,
11 navigation needs, transparency, economic development, and other
12 critical elements, while minimizing the impacts of congestion during
13 construction;

14 (g) Considers the creation of a Columbia river bridge authority
15 to review bridge needs for possible repair, maintenance, or new
16 construction, prioritizing those needs and making recommendations to
17 both states with regard to financing specific projects, timing,
18 authorities, and operations; and

19 (h) Provides a report to the legislatures of each state that
20 details the findings and recommendations of the legislative action
21 committee by December 15, 2018. The report must also contain a
22 recommendation as to whether the Interstate 5 project should be
23 designated by the legislature of the state of Washington as a project
24 of statewide significance and by the state of Oregon with an
25 equivalent designation.

26 (2)(a) The joint Oregon-Washington legislative action committee
27 is established, with sixteen members as provided in this subsection:

28 (i) The speaker and minority leader of the house of
29 representatives of each state shall jointly appoint four members, two
30 from each of the two largest caucuses of their state's house of
31 representatives.

32 (ii) The majority leader and minority leader of the senate of
33 each state shall jointly appoint four members, two from each of the
34 two largest caucuses of their state's senate.

35 (b) The legislative action committee shall choose its cochairs
36 from among its membership, one each from the senate and the house of
37 representatives of both states.

38 (c) Executive agencies, including the departments of
39 transportation and the transportation commissions, shall cooperate

1 with the committee and provide information and other assistance as
2 the cochairs may reasonably request.

3 (d) Staff support for the legislative action committee must be
4 provided by the Washington house of representatives office of program
5 research, Washington senate committee services, and, contingent upon
6 the acceptance by the legislature of the state of Oregon of the
7 invitation in subsection (1) of this section to participate in the
8 legislative action committee, the Oregon legislative policy and
9 research office.

10 (e) Legislative members of the legislative action committee are
11 reimbursed for travel expenses. For Washington legislative members,
12 this reimbursement must be in accordance with RCW 44.04.120.

13 (f) The expenses of the legislative action committee must be paid
14 jointly by both states' senate and house of representatives. In
15 Washington, committee expenditures are subject to approval by the
16 senate facilities and operations committee and the house of
17 representatives executive rules committee, or their successor
18 committees.

19 (g) Each meeting of the legislative action committee must allow
20 an opportunity for public comment. Legislative action committee
21 meetings must be scheduled and conducted in accordance with the
22 requirements of both the senate and the house of representatives of
23 both states.

24 NEW SECTION. **Sec. 5.** (1) The sum of three hundred fifty
25 thousand dollars, or as much thereof as may be necessary, is
26 appropriated for the fiscal biennium ending June 30, 2019, from the
27 motor vehicle fund to the department of transportation for the
28 purposes of a planning inventory to be conducted in 2017 to document
29 the existing planning data related to the construction of a new
30 Interstate 5 bridge over the Columbia river.

31 (2) By December 1, 2017, and in compliance with RCW 43.01.036,
32 the department of transportation must submit a report to the
33 legislature that details the findings of the inventory of existing
34 planning work.

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