



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director
DATE: December 28, 2016 
SUBJECT: **Designation of I-5 Bridge Replacement as a Project of Statewide Significance**

ATA GLANCE

The Board of Directors previously requested a discussion pertaining to a Resolution designating an I-5 bridge replacement project as a Project of Statewide Significance. This memorandum presents additional background for that discussion as requested at the December Board meeting.

BACKGROUND

At the November 1, 2016 RTC Board meeting, the Board agreed to discuss a Resolution introduced under Board Business. The Resolution, prepared by citizen advocates, asks that the RTC Board recommend that the State of Washington designate an I-5 Bridge Replacement project as a “Project of Statewide Significance”. The statutory framework for said designation is found in RCW 43.157.

At the December 2016 RTC Board meeting, the Board requested additional information regarding a current State budget appropriations bill which precludes the transfer of Federal transportation funds for use on the I-5/Columbia River Crossing project. The Appropriations Bill in question is ESHB 2524, of the 64th Legislature 2016 Regular Session. *(Relevant excerpts of the subject Bill are attached)*

BILL REVIEW

The subject Bill (ESHB 2524) includes several provisions that limit the Washington Department of Transportation (WSDOT) from committing staff or physical resources from working on Project 400506A. *(Note: project 400506A is a WSDOT internal reference number associated with the former I-5 Columbia River Crossing project)* The Bill’s language effectively precludes commitment of resources in two ways: 1) the Bill appropriates \$0 “State” funding to Project 400506A; and 2) the Bill’s language prohibits WSDOT from transferring federal funds for use by the project, ie. “no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A)”.

One additional dimension related to the subject Bill is that it is a Budget Appropriations Bill. As such, the provisions in question could sunset at the expiration of the current Bill (which is June 30, 2017), or may need to be amended out of the next biennium’s appropriations bill during the budget writing process.

OBSERVATIONS

- While the Bill effectively precludes the commitment of staff and resources to a specific project effort (Project 400506A), WSDOT is able to attend policy briefings and engage in administrative discussions related to the I-5 corridor and bridge(s).
- WSDOT participates with other regional partners on specific traffic operations and maintenance projects on the I-5 Columbia River bridges, like the planned “trunnion replacement” which is being jointly planned and funded by WSDOT and Oregon DOT.

OPTIONS

In relation to a Resolution which supports state designation of an I-5 Bridge Replacement Project as a “Project of Statewide Significance”; such a Resolution does fall within the parameters of current RTC Board policy and authority. As proposed, such a Resolution could bolster the requested state designation process, and further, act as an RTC Board statement of support for advancing a project already identified as a priority in its current planning documents. Considering that, the following options are available to the Board.

- 1) Do nothing
- 2) Adopt the Resolution as submitted
- 3) Adopt a revised Resolution based on Board direction
- 4) Provide feedback to the Executive Director for follow-up efforts and/or action.

Following the Board discussion at the January 3 meeting, staff will move forward in a manner consistent with Board direction.

Attachments

- Excerpts from ESHB 2524
- RTC Board Memorandum, November 29, 2016

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2524

64th Legislature
2016 Regular Session

Passed by the House March 9, 2016
Yeas 86 Nays 10

Speaker of the House of Representatives

Passed by the Senate March 8, 2016
Yeas 44 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2524** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

1 (1) Except as provided otherwise in this section, the entire
2 transportation 2003 account (nickel account) appropriation and the
3 entire transportation partnership account appropriation are provided
4 solely for the projects and activities as listed by fund, project,
5 and amount in LEAP Transportation Document (~~(2015-1)~~) 2016-1 as
6 developed (~~(May 26, 2015)~~) March 7, 2016, Program - Highway
7 Improvements Program (I). However, limited transfers of specific
8 line-item project appropriations may occur between projects for those
9 amounts listed subject to the conditions and limitations in section
10 601 of this act.

11 (2) Except as provided otherwise in this section, the entire
12 motor vehicle account—state appropriation and motor vehicle account—
13 federal appropriation are provided solely for the projects and
14 activities listed in LEAP Transportation Document (~~(2015-2)~~) 2016-2
15 ALL PROJECTS as developed (~~(May 26, 2015)~~) March 7, 2016, Program -
16 Highway Improvements Program (I). Any federal funds gained through
17 efficiencies, adjustments to the federal funds forecast, additional
18 congressional action not related to a specific project or purpose, or
19 the federal funds redistribution process must then be applied to
20 highway and bridge preservation activities. **However, no additional**
21 **federal funds may be allocated to the I-5/Columbia River Crossing**
22 **project (400506A).**

23 (3) Within the motor vehicle account—state appropriation and
24 motor vehicle account—federal appropriation, the department may
25 transfer funds between programs I and P, except for funds that are
26 otherwise restricted in this act.

27 (4) The transportation 2003 account (nickel account)—state
28 appropriation includes up to (~~(\$104,366,000)~~) \$79,064,000 in proceeds
29 from the sale of bonds authorized by RCW 47.10.861.

30 (5) The transportation partnership account—state appropriation
31 includes up to (~~(\$508,793,000)~~) \$546,857,000 in proceeds from the
32 sale of bonds authorized in RCW 47.10.873.

33 (6) (~~(\$3,700,000)~~) \$4,359,000 of the motor vehicle account—state
34 appropriation is provided solely for the I-5/JBLM Early Corridor
35 Design project (300596S) to complete an environmental impact
36 statement for a project that creates additional general purpose lanes
37 on Interstate 5 in the Joint Base Lewis-McChord corridor. The design
38 of this project must be high occupancy vehicle lane ready for a

1	State Route Number 520 Corridor Account—State	
2	Appropriation.	((\$720,000))
3		<u>\$1,730,000</u>
4	<u>Connecting Washington Account—State Appropriation.</u>	<u>\$79,963,000</u>
5	TOTAL APPROPRIATION.	((\$515,916,000))
6		<u>\$678,552,000</u>

7 The appropriations in this section are subject to the following
8 conditions and limitations:

9 (1) Except as provided otherwise in this section, the entire
10 transportation 2003 account (nickel account) appropriation and the
11 entire transportation partnership account appropriation are provided
12 solely for the projects and activities as listed by fund, project,
13 and amount in LEAP Transportation Document ((~~2015-1~~)) 2016-1 as
14 developed ((~~May 26, 2015~~)) March 7, 2016, Program - Highway
15 Preservation Program (P). However, limited transfers of specific
16 line-item project appropriations may occur between projects for those
17 amounts listed subject to the conditions and limitations in section
18 601 of this act.

19 (2) Except as provided otherwise in this section, the entire
20 motor vehicle account—state appropriation and motor vehicle account—
21 federal appropriation are provided solely for the projects and
22 activities listed in LEAP Transportation Document ((~~2015-2~~)) 2016-2
23 ALL PROJECTS as developed ((~~May 26, 2015~~)) March 7, 2016, Program -
24 Highway Preservation Program (P). Any federal funds gained through
25 efficiencies, adjustments to the federal funds forecast, additional
26 congressional action not related to a specific project or purpose, or
27 the federal funds redistribution process must then be applied to
28 highway and bridge preservation activities. **However, no additional**
29 **federal funds may be allocated to the I-5/Columbia River Crossing**
30 **project (400506A).**

31 (3) Within the motor vehicle account—state appropriation and
32 motor vehicle account—federal appropriation, the department may
33 transfer funds between programs I and P, except for funds that are
34 otherwise restricted in this act.

35 (4) The transportation 2003 account (nickel account)—state
36 appropriation includes up to ((~~\$38,492,000~~)) \$28,032,000 in proceeds
37 from the sale of bonds authorized in RCW 47.10.861.

38 (5) The department shall examine the use of electric arc furnace
39 slag for use as an aggregate for new roads and paving projects in

1 prescription drugs, audits of hospitals, subrogation payments, or any
2 other moneys recovered as a result of prior uniform medical plan
3 claims payments into the public employees' and retirees' insurance
4 account to be used for insurance benefits. Such receipts must not be
5 used for administrative expenditures.

6 (2) The health care authority, subject to the approval of the
7 public employees' benefits board, must provide subsidies for health
8 benefit premiums to eligible retired or disabled public employees and
9 school district employees who are eligible for medicare, pursuant to
10 RCW 41.05.085. For calendar years 2016 and 2017, the subsidy must be
11 up to \$150.00 per month. Appropriations for state agencies are
12 increased by the amounts specified in (~~LEAP Transportation Document~~
13 ~~713—2015T~~) chapter . . . , Laws of 2016 (this act) to fund the
14 provisions of this agreement.

15 (3) All savings resulting from reduced claim costs or other
16 factors identified after June 1, 2015, must be reserved for funding
17 employee health benefits in the 2017-2019 fiscal biennium.

18 IMPLEMENTING PROVISIONS

19 **Sec. 601.** 2015 1st sp.s. c 10 s 601 (uncodified) is amended to
20 read as follows:

21 FUND TRANSFERS

22 (1) The transportation 2003 projects or improvements and the 2005
23 transportation partnership projects or improvements are listed in the
24 LEAP list titled (~~(2015-1)~~) 2016-1 as developed (~~(May 26, 2015)~~)
25 March 7, 2016, which consists of a list of specific projects by fund
26 source and amount over a (~~(ten-year)~~) sixteen-year period. Current
27 fiscal biennium funding for each project is a line-item
28 appropriation, while the outer year funding allocations represent a
29 (~~(ten-year)~~) sixteen-year plan. The department is expected to use the
30 flexibility provided in this section to assist in the delivery and
31 completion of all transportation partnership account and
32 transportation 2003 account (nickel account) projects on the LEAP
33 transportation documents referenced in this act. **However, this**
34 **section does not apply to the I-5/Columbia River Crossing project**
35 **(400506A).** For the 2015-2017 project appropriations, unless otherwise
36 provided in this act, the director of financial management may
37 authorize a transfer of appropriation authority between projects
38 funded with transportation 2003 account (nickel account)



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director
DATE: November 29, 2016 
SUBJECT: **Designation of I-5 Bridge Replacement a Project of Statewide Significance**

AT A GLANCE

The Board of Directors previously authorized a discussion pertaining to a Resolution designating an I-5 bridge replacement project as a Project of Statewide Significance. This memorandum presents some background for that discussion.

BACKGROUND

At the November 1, 2016 RTC Board meeting, the Board agreed to discuss a Resolution introduced under Board Business. The Resolution, prepared by citizen advocates, asks that the RTC Board recommend that the State of Washington designate the I-5 Bridge Replacement as a Project of Statewide Significance. The statutory framework for said designation is found in RCW 43.157. (The original Resolution introduced on November 1, 2016 discussion is attached.)

POLICY CONTEXT

Development of regional consensus and support for replacement of the I-5 Columbia River bridges has taken many forms. In recent years, the RTC Board has adopted policy and plans which support improvement or replacement of the existing I-5 Columbia River bridges. Those policy endorsements have been:

Specific Study / Project Endorsements:

- I-5 Transportation and Trade Study (BR 12-02-25)
- I-5 Columbia River Crossing Locally Preferred Alternative (BR 07-08-10)
- I-5 Columbia River Crossing Final Environmental Impact Statement (BR 08-11-14)

Specific Plan Approvals:

- Since 2008, the RTC Board has approved a Regional Transportation Plan which includes a specific project to improve/replace the I-5 bridges.
- Between 2002-2008, the RTC's Metropolitan Transportation Plan: Strategic Plan Appendix included a recommendation to add capacity to the I-5 bridge(s).

LEGAL REVIEW

A thorough review of the statute pertaining to designating Projects of Statewide Significance has been completed and is attached.

OPTIONS

The suggested Resolution falls within the parameters of current RTC Board policy, and could bolster the requested state designation process. Considering that, the following options are available to the Board.

- 1) Do nothing
- 2) Adopt the Resolution as submitted
- 3) Provide feedback to the Executive Director for follow-up efforts and/or action.

NEXT STEPS

Following the Board discussion at the December 6 meeting, staff will move forward in a manner consistent with Board direction.

Attachments

- Resolution introduced at November 1, 2016 RTC Board of Directors meeting.
- Legal Review Memorandum dated November 29, 2016.

1) Public Comment submitted by: Ed Barnes at the November 1, 2016 RTC Board Meeting
2) This Resolution was formally introduced to the RTC Board during Agenda XIII (A), Other Business, From the Board, by Clark County Council Chair, Marc Boldt. The Board passed a motion in favor to discuss this Resolution at the December 6, RTC Board Meeting.

I-5 BRIDGE PROJECT SHOULD CARRY "PROJECT OF STATEWIDE SIGNIFICANCE" DESIGNATION

The pending I-5 bridge project qualifies for, and should be designated by the State of Washington as a project of statewide significance. In 1997, the state legislature adopted legislation which provides that certain projects and investments merit special designation and treatment by government bodies as government projects and investments of Statewide Significance.

Whereas--- The above mentioned legislation designates that border-crossing projects involving both private and public investments carried out in conjunction with adjacent states or provinces or a private development with private capital investment qualifies for this special designation; and,

Whereas---Such designation is designed to "expedite the development of projects of statewide significance" and local governments having comprehensive plans may "develop a process to expedite the review, approval, permitting, and completion of projects of statewide significance; and

Whereas---The I-5 bridge project clearly falls under that designation; and

Whereas--- This legislation refers directly to the types of investment like SEH America and Wafer Tech that were designated as projects of Statewide Significance; and

Whereas---Border Crossing projects that involve both private and public investments with adjacent states such as the State of Oregon; and local industries and the employees of those industries rely directly on the bridge that services the I-5 corridor; and

Whereas---The I-5 bridge is designated as part of a national defense interstate highway system serving the west coast from Canada to Mexico, including Oregon and Washington and the metropolitan area of Portland and Vancouver; and

Whereas--Existing I-5 bridge congestion is negatively impacting the entire west coast, especially projects that have been designated Industries of Statewide Significance and the economies of SW Washington and the Portland Metropolitan Area;

Therefore---Be it resolved that the Regional Transportation Council (RTC) recommends that the State of Washington designate the I-5 Bridge Replacement as a project of Statewide Significance.

Submitted by: Ed Barnes
11-1-2016

MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Ted Gathe, RTC General Counsel
DATE: November 29, 2016
SUBJECT: **I-5 Bridge Project – Statewide Significance Designation**

Chapter 43.157 RCW was enacted by the Washington Legislature in 1997. The legislation was primarily intended to encourage private sector projects that are deemed to be of statewide significance. One method of encouraging project development is to assist in expediting transportation infrastructure improvements and other required permits. A local example of the process occurred when WSDOT improved the 192nd and SR 14 interchange some years ago as a priority project that would encourage private investment in high tech and other industries within the general area of the 192nd Street corridor.

While the emphasis in the legislation is on private sector development, the statute at RCW 43.157.010 also includes in the definition of Project of Statewide Significance the following: “a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces.”

It has been argued that the existing congestion problem in the I-5 bridge corridor is negatively affecting businesses that have already been given the statewide significance designation; however, that fact alone does not address the private investment requirement contained in the statewide significance definition referenced above. The application for such a project requires certain thresholds for both private sector job creation and investment. For Clark County, there is a requirement that the project generate 100 or more jobs with a minimum private investment of \$40 million. Projects that have already received the statewide significance designation could not be used to meet the jobs/ private investment requirements. See WAC 130-30-010. New projects associated with or related to construction of a new I-5 bridge and corridor improvements would need to be identified in any application filed with the Department of Commerce.

The RTC Board has the authority to approve a resolution supporting the designation of the I-5 Bridge Project as a project of statewide significance; however, RTC is not a “jurisdiction” as that term is defined in WAC 130-20-020. Jurisdiction means “any local government with the authority to issue permits related to the construction of a project seeking designation as a project of statewide significance.” While RTC has some environmental review responsibilities associated with any proposed I-5 bridge project, it does not issue construction-related permits. Therefore, RTC would not be a required party to any application for statewide significance designation.

If the RTC Board decides to approve a supporting resolution, it is recommended that the draft resolution submitted by the proponents be substantially revised and considered by the Board at the January, 2017 Board meeting.