



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director 
DATE: April 2, 2019
SUBJECT: State Legislative Session Update

AT A GLANCE – INFORMATION

The purpose of this memorandum is to keep the RTC Board apprised of proposed state legislation.

BACKGROUND

The Washington State Legislature convened for its 2019 session on January 14 and is scheduled to complete its full session on April 28. At the outset of the legislative session, RTC staff began tracking bills that would revise laws that govern transportation funding, planning, and RTC operations.

In addition to monitoring proposed legislation, staff are also assisting Legislators and RTC Member agency staff (and their lobbyists) by providing current information in regards to RTC plans and recommended projects through the Board endorsed Regional Transportation Plan (2019) and current Clark County Transportation Alliance 2019-2020 Legislative Policy Statement.

WSDOT OPERATING BUDGET

A key feature of each legislative session is the authorization of WSDOT’s operating budget. It is this budget that directs the flow of funds to many of the region’s critical project investments (ex. Connecting Washington projects) and where new initiatives and project starts are authorized and funded. For the 2019 Legislative session, the House has fully passed ESHB 1160, and the Senate Transportation Committee has passed SSB 5214, which is now in the Rules Committee pending further action.

Proposed in both operating budgets (ESHB 1160 and SSB 5214) is a budget proviso that directs appropriations and policy guidance for the purpose of re-starting efforts related to replacing the I-5 Bridge across the Columbia River. Key takeaways from each proviso are summarized as follows:

- ESHB 1160 (House bill). Appropriation of \$8,750,000. Works efforts are described to include reevaluation of key project parameters and reengagement with stakeholders and the public. Report intervals to Legislature are September 30, 2019 and September 30, 2020.
- SSB 5214 (Senate bill). Appropriation of \$8,500,000. Works efforts are described to include reevaluation of key project parameters and reengagement with stakeholders and

the public. Further, the work effort also includes the assessment of a bridge authority and bi-state compact governance model, and it presumes that ESHB 1994 is signed into law and compels the utilization of a new Projects of Statewide Significance designation and coordination process. Reporting intervals are December 1, 2019, and December 1, 2020.

Substantively, the two bills are nearly the same. They largely direct WSDOT to restart project evaluation and project stakeholder processes. The minor differences relate to funding amounts, prescribing accountability methods, reporting intervals, and describing specific scope activities in the case of study of a bridge authority/bi-state compact evaluation. Should the two bills pass each chamber with respective differences, a conference committee will resolve the differences and put forward a substitute for final chamber consideration and expected Governor approval into law.

Beyond the progressive step forward on the I-5 bridge replacement project, other key regional needs such as moving funding timing for the 179th / I-5 interchange work and other approved capital projects remain unchanged in this operating budget. There are proposed minor cost adjustments for two key regional projects in Skamania and Klickitat counties (ex. Wind River intersection and Bingen Point access improvement.). Those adjustments reflect refined design knowledge.

Lastly, the House and Senate operating budgets do propose different amounts of funding increases to support the state’s interest in Regional Transportation Planning Organizations (RTPOs) like RTC. In current form, one budget proposes an annual statewide program increase of \$500K and the other no increase. Reconciliation between the two proposals is forthcoming and any increases that may result to RTC’s operating budgets would come through a statewide allocation formula, and are assumed to be nominal.

BILL STATUS

As of this report, RTC staff have been monitoring these bills as summarized below. You can access the Bill page by clicking the Bill # hyperlink:

Bill #	Summary	Perceived Impact	Status
SB 5970 SB 5971 SB 5972	Establishes a New Law transportation revenue program and dedicated project list. The revenue program would raise over \$16 Billion in new funding. The Project list would be dedicated project and expanded programs, affecting state, local governments, transit agencies, Port districts and affiliated agencies. The program is referred to as: “Forward WA”	RTP Implementation: this New Law program would fund several priority projects in the RTC region, including: I-5 Bridge Replacement; White Salmon-Hood River bridge replacement. The program would also expand major statewide grant programs, including distributions to local governments, and creation of a port facility grant.	Senate: <i>Formal</i> Committee public hearings held on 2-28. -5970 Passed Committee -5971 Passed Committee -5972 Passed Committee

		RTC provided testimony at the January pre-hearing and comments in support at the February 28 formal public hearing.	
SSB 5847 ESHB 1994	Implements a new program for designation of Transportation Projects of Statewide Significance	RTP Implementation: A new Project of Statewide Significance designation may help streamline state permitting and speed for designated projects. It is possible that the I-5 Bridge replacement and the White Salmon- Hood River bridge replacement projects could benefit from such a designation. RTC provided a letter of comment and support for both House and Senate committee public hearings.	House: <i>Passed House Chamber</i> Senate: <i>ESHB 1994 under at Transportation Committee</i>
SB 5214 ESHB 1160	19-20 Biennium budget appropriations bill for WSDOT, and local and regional programs.	- RTP Implementation: I-5 Bridge replacement project. ESHB 1160 proposes \$8,750K for project office work SSB 5214 proposes \$8,500K for project office work. Substantive work is generally the same - RTC Agency: \$500K statewide increase to RTPO program funding. RTC would receive a portion of this funding addition for operations (based on a statewide formula). RTC provided written letter of comment and support via email for the House committee hearing.	House: <i>ESHB Passed House Chamber</i> Senate: <i>SB 5214 Passed Committee</i> <i>ESHB 1160 set for 1st Hearings in Committee</i>
EHB 1584 SB 5778	Would establish new laws affecting RTPO's and tribal consultation requirements.	- RTC agency: Would add a requirement that RTPO's covering certain tribal nation	House: <i>EHB 1584 Passed House</i>

		lands provide an opportunity for Policy Board voting participation of eligible tribes. Could require RTC to modify Board structure to accommodate. RTC provided written comments to Representative Wylie in advance of House committee public hearing. Additional consultations have occurred regarding potential impacts and potential resolutions.	Senate: Senate: <i>EHB 1584 Passed Committee</i>
HB 1835	Would direct to the Joint Transportation Committee to commission a study to define a new bridge crossing of the Columbia River west of I-5.	RTC Region: Current regional transportation and growth management plans do not contemplate a new bridge crossing of the Columbia River, within the Vancouver UGA. Growth Management Plan review may be needed by affected agencies.	DIED in Committee.

OREGON LEGISLATIVE SESSSION REPORT

The Oregon Legislature convened on January 22 for their annual legislative session. As of this report, RTC is monitoring various bills. RTC Staff will report on monitoring activities at the Board meeting.

NEXT STEPS

RTC staff will continue to monitor proposed bills which are currently or may be introduced during this legislative session. In addition to monitoring, RTC staff will provide information and input to the Board, Legislators, and RTC Member agency staff as requested.

Attachments:

ESHB 1160 Budget Proviso (as adopted) – I-5 Bridge replacement project related work

SSB 5214 Budget Proviso (proposed) – I-5 Bridge replacement project related work

1 ring
2 the 2021-2023 fiscal biennium. These funds may only be used after the
3 department has provided notice to the office of financial management
4 that it has exhausted all efforts to secure federal funds from the
5 federal highway administration and the department of defense.

6 (18) It is the intent of the legislature that, for the I-5/North
7 Lewis County Interchange project (L2000204), the department develop
8 and design the project with the objective of significantly improving
9 access to the industrially zoned properties in north Lewis
10 county. The design must consider the county's process of
11 investigating alternatives to improve such access from Interstate 5
12 that began in March 2015.

13 (19) \$8,750,000 of the motor vehicle account—state appropriation
14 is provided solely for efforts related to replacing the Interstate 5
15 bridge across the Columbia river. The work of this project office
16 shall include the reevaluation of the purpose and need identified for
17 the project previously known as the Columbia river crossing, the
18 reevaluation of permits and development of a finance plan, the
19 reengagement of stakeholders and the public, and the reevaluation of
20 scope, schedule, and budget for a bistate effort for replacement of
21 the Interstate 5 Columbia river bridge. The department shall provide
22 a progress report to the governor and the transportation committees
23 of the legislature by September 30, 2019, and a final report to the
24 governor and the transportation committees of the legislature by
25 September 30, 2020. Of the amount provided in this subsection,
26 \$8,030,000 of the motor vehicle account—state appropriation must be
27 placed in unallotted status by the office of financial management
28 until the department develops a detailed plan for the work of this
29 project office in consultation with the chairs and ranking members of
30 the transportation committees of the legislature. The director of the
31 office of financial management shall consult with the chairs and
32 ranking members of the transportation committees of the legislature
33 prior to making a decision to allot these funds.

34 (20) \$131,183,000 of the transportation partnership account—state
35 appropriation, \$44,961,000 of the motor vehicle account—federal
36 appropriation, \$356,000 of the motor vehicle account—state
37 appropriation, and \$37,500,000 of the connecting Washington account—
38 state appropriation are provided solely for the Fish Passage Barrier

(d) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(19) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(20) \$8,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). The work of this project office should include, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders, and the reevaluation of scope, schedule, and budget for

1 a reinvigorated bistate effort for replacement of the Interstate 5
2 Columbia river bridge. When reevaluating the finance plan for the
3 project, the department shall assume that some costs of the new
4 facility may be covered by tolls. Within the amount provided in this
5 subsection, the department must implement chapter . . . (Engrossed
6 Substitute House Bill No. 1994) (projects of statewide significance),
7 Laws of 2019. The project office must also study the possible
8 different governance structures for a bridge authority that would
9 provide for the joint administration of the bridges over the Columbia
10 river between Oregon and Washington. As part of this study, the
11 project office must examine the feasibility and necessity of an
12 interstate compact in conjunction with the national center for
13 interstate compacts. The department shall reengage project
14 stakeholders, and reevaluate the purpose and need and environmental
15 permits by July 1, 2020. The department must have developed a finance
16 plan by December 1, 2020, and have made significant progress towards
17 beginning the supplemental environmental impact statement process by
18 June 30, 2021. The department shall provide a progress report on
19 these activities to the governor and the transportation committees of
20 the legislature by December 1, 2019, and a final report to the
21 governor and the transportation committees of the legislature by
22 December 1, 2020.

23 (21) \$6,823,000 of the motor vehicle account—state appropriation,
24 \$36,500,000 of the connecting Washington account—state appropriation,
25 \$44,961,000 of the motor vehicle account—federal appropriation, and
26 \$185,716,000 of the forward Washington account—state appropriation
27 are provided solely for the Fish Passage Barrier project (OBI4001)
28 with the intent of fully complying with the court injunction by 2030.
29 The department shall coordinate with the Brian Abbott fish passage
30 barrier removal board to use a watershed approach to maximize habitat
31 gain by replacing both state and local culverts.

32 (22) \$14,750,000 of the connecting Washington account—state
33 appropriation and \$8,900,000 of the motor vehicle account—local
34 appropriation are provided solely for the I-90/Barker to Harvard -
35 Improve Interchanges & Local Roads project (L2000122). The connecting
36 Washington appropriation may only be expended if the city of Liberty
37 Lake agrees to cover any project costs above the \$18,000,000 of state
38 appropriation provided for the total project in LEAP Transportation