
ENGROSSED HOUSE BILL 2095

State of Washington 65th Legislature 2017 Regular Session

By Representatives Wylie, Stonier, Harris, Vick, Clibborn, Fey,
McBride, and Macri

Read first time 02/13/17. Referred to Committee on Transportation.

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 43.157 RCW; adding a new section to
5 chapter 47.01 RCW; creating a new section; and making an
6 appropriation.

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

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

1 foundation of an initial investment in the bridges that link
2 Washington with Oregon, supporting critical trade routes, alleviating
3 congestion, and improving safety. To that end, the legislature
4 intends to designate the replacement of the Interstate 5 bridge as a
5 project of statewide significance.

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

8 The definitions in this section apply throughout this chapter and
9 RCW 28A.525.166, (~~(28B.76.210, 28C.18.080,)~~) 43.21A.350, and
10 90.58.100, unless the context requires otherwise:

11 (1) "Applicant" means a person applying to the department for
12 designation of a development project as a project of statewide
13 significance.

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

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

20 (4) "Manufacturing" shall have the meaning assigned it in RCW
21 82.62.010.

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

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

26 (ii) A development project that will provide a net environmental
27 benefit;

28 (iii) A development project in furtherance of the
29 commercialization of innovations;

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

32 (v) An aviation biofuels production facility; or

33 (vi) A project designated by the legislature and codified under
34 this chapter.

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

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

1 (ii) The applicant must submit an application to the department
2 for designation as a project of statewide significance to the
3 department of commerce; and

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

6 (A) In counties with a population less than or equal to twenty
7 thousand, a capital investment of five million dollars;

8 (B) In counties with a population greater than twenty thousand
9 but no more than fifty thousand, a capital investment of ten million
10 dollars;

11 (C) In counties with a population greater than fifty thousand but
12 no more than one hundred thousand, a capital investment of fifteen
13 million dollars;

14 (D) In counties with a population greater than one hundred
15 thousand but no more than two hundred thousand, a capital investment
16 of twenty million dollars;

17 (E) In counties with a population greater than two hundred
18 thousand but no more than four hundred thousand, a capital investment
19 of thirty million dollars;

20 (F) In counties with a population greater than four hundred
21 thousand but no more than one million, a capital investment of forty
22 million dollars;

23 (G) In counties with a population greater than one million, a
24 capital investment of fifty million dollars;

25 (H) In rural counties as defined by RCW 82.14.370, projected
26 full-time employment positions after completion of construction of
27 fifty or greater;

28 (I) In counties other than rural counties as defined by RCW
29 82.14.370, projected full-time employment positions after completion
30 of construction of one hundred or greater; or

31 (J) Been qualified by the director of the department as a project
32 of statewide significance either because:

33 (I) The economic circumstances of the county merit the additional
34 assistance such designation will bring;

35 (II) The impact on a region due to the size and complexity of the
36 project merits such designation;

37 (III) The project resulted from or is in furtherance of
38 innovation activities at a public research institution in the state
39 or is in or resulted from innovation activities within an innovation
40 partnership zone; or

1 (IV) The project will provide a net environmental benefit as
2 evidenced by plans for design and construction under green building
3 standards or for the creation of renewable energy technology or
4 components or under other environmental criteria established by the
5 director in consultation with the director of the department of
6 ecology.

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

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

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

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

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

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

37 (i) After review of the application under criteria adopted by
38 rule, the development project will provide significant economic
39 benefit to the local or state economy, or both, the project is

1 aligned with the state's comprehensive plan for economic development
2 under RCW 43.162.020, and, by its designation, the project will not
3 prevent equal consideration of all categories of proposals under RCW
4 43.157.010; and

5 (ii) The development project meets or will meet the requirements
6 of RCW 43.157.010 regarding designation as a project of statewide
7 significance.

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

11 (3) The office of regulatory assistance shall assign a project
12 facilitator or coordinator to each project of statewide significance
13 to:

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

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

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

24 NEW SECTION. Sec. 4. A new section is added to chapter 43.157
25 RCW to read as follows:

26 The legislature designates the following project as a project of
27 statewide significance: An Interstate 5 bridge that crosses the
28 Columbia river.

29 NEW SECTION. Sec. 5. A new section is added to chapter 47.01
30 RCW to read as follows:

31 (1) On behalf of the state, the legislature of the state of
32 Washington invites the legislature of the state of Oregon to
33 participate in a joint legislative action committee regarding the
34 construction of a new Interstate 5 bridge spanning the Columbia river
35 that achieves the following purposes:

36 (a) Works with both states' departments of transportation and
37 transportation commissions and stakeholders to begin a process toward
38 project development. It is assumed that the appropriate local and

1 bistate entities already tasked with related work will also be
2 included when the legislative and interagency agreements are ready to
3 move forward. The legislative action committee must convene its first
4 meeting by December 15, 2017;

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

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

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

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

17 (f) Utilizes design-build procurement, or an equivalent or better
18 innovation delivery method, and determines the least costly, most
19 efficient project management and best practices tools consistent with
20 work already completed including, but not limited to, height,
21 navigation needs, transparency, economic development, and other
22 critical elements, while minimizing the impacts of congestion during
23 construction;

24 (g) Considers the creation of a Columbia river bridge authority
25 to review bridge needs for possible repair, maintenance, or new
26 construction, prioritizing those needs and making recommendations to
27 both states with regard to financing specific projects, timing,
28 authorities, and operations; and

29 (h) Provides a report to the legislatures of each state that
30 details the findings and recommendations of the legislative action
31 committee by December 15, 2018.

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

34 (i) The speaker and minority leader of the house of
35 representatives of both states shall jointly appoint four members,
36 two from each of the two largest caucuses of the house of
37 representatives.

38 (ii) The majority leader and minority leader of the senate of
39 both states shall jointly appoint four members, two from each of the
40 two largest caucuses of the senate.

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

4 (c) Executive agencies, including the departments of
5 transportation and the transportation commissions, shall cooperate
6 with the committee and provide information and other assistance as
7 the cochairs may reasonably request.

8 (d) Staff support for the legislative action committee must be
9 provided by the Washington house of representatives office of program
10 research, Washington senate committee services, and the Oregon
11 legislative policy and research office.

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

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

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

26 NEW SECTION. **Sec. 6.** (1) The sum of three hundred fifty
27 thousand dollars, or as much thereof as may be necessary, is
28 appropriated for the fiscal biennium ending June 30, 2019, from the
29 motor vehicle fund to the department of transportation for the
30 purposes of a planning inventory to be conducted in 2017 to document
31 the existing planning data related to the construction of a new
32 Interstate 5 bridge over the Columbia river.

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

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