
Transportation Committee

HB 1902

Brief Description: Convening a work group regarding the streamlining of permitting for transportation projects.

Sponsors: Representatives Richards, Stuebe, Zahn, Dent, Timmons, Barkis, Paul, Nance, Reed, Ramel, Bernbaum, Wylie, Taylor, Parshley, Simmons, Shavers, Salahuddin and Hill.

Brief Summary of Bill
<ul style="list-style-type: none">Requires the Washington State Department of Transportation, in consultation with the Department of Ecology, to convene a work group of state, local, and tribal representatives to develop recommendations to streamline the permitting of transportation projects.

Hearing Date: 2/17/25

Staff: David Munnecke (786-7315).

Background:

Washington State Department of Transportation Permitting and Appeals.

The Washington State Department of Transportation (WSDOT) must obtain various local permits associated with many of the transportation projects that it oversees. Consistent with local government regulations, certain appeals of local permitting decisions are directed first to a local hearing examiner or other local appeals venue, including appeals of permitting decisions associated with local critical environmental areas ordinances adopted under the Growth Management Act.

The National and State Environmental Policy Acts.

The National Environmental Policy Act (NEPA) establishes a review process to identify

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environmental impacts of certain decisions by the federal government, including for projects that require the issuance of a permit. Likewise, the State Environmental Policy Act (SEPA) establishes a review process for state and local governments to evaluate environmental impacts from project permits and other government decisions. The NEPA and the SEPA both exempt certain actions from requirements for the submission of an environmental checklist, or the development of an environmental impact statement. An agency conducting a SEPA review may adopt a NEPA environmental analysis if the NEPA analysis is consistent with SEPA requirements, including the scope of environmental elements analyzed under the SEPA. Certain WSDOT activities are exempt from NEPA requirements, SEPA requirements, or are exempt from both.

Shoreline Management Act Permits.

The Shoreline Management Act (SMA) of 1971 requires that most developments near state shorelines be consistent with shoreline master programs, which are plans developed by local governments for the uses of its shoreline areas. Certain projects require a substantial development permit that is reviewed by the local government and filed with the Department of Ecology (Ecology). In certain property-specific circumstances, variance permits or conditional use permits may be issued by a local government that allow for development that is not consistent with the local shoreline master program. Certain other types of development, such as single-family residences and bulkheads to protect single-family residences, are exempt from permit requirements under the SMA. Local governments must submit letters of exemption to Ecology for developments that require federal approval, but are exempt from SMA substantial development permit requirements.

Water Pollution Regulations and Programs.

Ecology is authorized to implement the federal Clean Water Act's discharge program and state water pollution control laws. Through these programs, Ecology is authorized to issue federal and state water quality permits for persons that discharge to waters of the state.

The Hydraulic Project Approval (HPA) program is a permitting process managed by the Washington Department of Fish and Wildlife (WDFW). Any activity that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state must first obtain an HPA from the WDFW. Through the HPA process, the WDFW specifically analyzes and conditions projects based on the anticipated effect on fish life.

Summary of Bill:

The WSDOT, in consultation with Ecology, is directed to convene a work group to develop recommendations to streamline the permitting of transportation projects. The work group is required to consist of the following members:

- a representative from the WSDOT, to be appointed by the Secretary of the WSDOT;
- a representative from Ecology, to be appointed by the Director of Ecology;
- a representative from the WDFW, to be appointed by the Director of the WDFW;
- a representative from the Association of Washington Cities;

- a representative from the Washington State Association of Counties;
- a representative from an organization representing general contractors;
- a representative of the construction trades; and
- a representative of tribal governments, invited by the Secretary of the WSDOT.

The work group is directed to develop recommendations to reduce project costs and the time required from project conception to project completion. These recommendations must also ensure that all appropriate environmental and regulatory protections are maintained. Staff support to the work group must be provided by the WSDOT.

The work group must convene its first meeting by July 30, 2025, and submit a report to the Legislature detailing its work and any recommendations, including any recommendations for legislation, by November 1, 2026.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.