

SENATE BILL REPORT

ESHB 1902

As Reported by Senate Committee On:
Transportation, April 4, 2025

Title: An act relating to convening a work group regarding the streamlining of permitting for transportation projects.

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

Sponsors: House Committee on Transportation (originally sponsored by Representatives Richards, Stuebe, Zahn, Dent, Timmons, Barkis, Paul, Nance, Reed, Ramel, Bernbaum, Wylie, Taylor, Parshley, Simmons, Shavers, Salahuddin and Hill).

Brief History: Passed House: 3/10/25, 94-1.

Committee Activity: Transportation: 4/01/25, 4/04/25 [DPA].

Brief Summary of Amended Bill

- 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.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; King, Ranking Member; Goehner, Assistant Ranking Member; Alvarado, Chapman, Christian, Cortes, Fortunato, Harris, Holy, Krishnadasan, Lovelett, MacEwen, Nobles, Shewmake, Valdez and Wilson, J..

Staff: Daniel Masterson (786-7454)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Washington State Department of Transportation Permitting. The Washington State Department of Transportation (WSDOT) must obtain various federal, state and local permits or approvals for many of the transportation projects that it oversees.

The National and State Environmental Policy Acts. The National Environmental Policy Act (NEPA) establishes a review process to identify environmental impacts of certain decisions by the federal government, including for projects that require the issuance of a permit. 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. Certain WSDOT activities are exempt from NEPA or SEPA requirements, or both.

Shoreline Management Act Permits. The Shoreline Management Act 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).

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 WDFW. Through the HPA process, WDFW specifically analyzes and conditions projects based on the anticipated effect on fish life.

Summary of Amended Bill: WSDOT, in consultation with Ecology, is directed to convene a work group to develop recommendations to streamline the permitting of transportation projects, with such streamlining defined to include aligning priorities, legal requirements, timelines, processing, and interests. The work group shall designate the entity or entities responsible for the implementation of each recommendation, including the entity primarily responsible for the implementation of each recommendation.

The work group membership is required to consist of representatives of the following entities:

- WSDOT, to be appointed by the secretary of WSDOT;
- Ecology, to be appointed by the director of Ecology;
- WDFW, to be appointed by the director of WDFW;
- the Department of Commerce (Commerce), to be appointed by the director of Commerce;
- the Office of Equity, to be appointed by the director of the Office of Equity;

- the Association of Washington Cities;
- the Washington State Association of Counties;
- the Washington Public Ports Association;
- an organization representing general contractors;
- a statewide organization representing construction trades labor;
- the Washington State Transit Association;
- the United States Army Corps of Engineers, to be invited by the secretary of WSDOT;
- the consulting engineers community; and
- at least one representative of tribal governments, and additional coordination from the Governor's Office of Indian Affairs.

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 WSDOT.

The work group must convene its first meeting by October 1, 2025, and submit an interim report to the Legislature by January 1, 2026, outlining its work to date, along with information on any permits or processes the work group may focus on during the course of their work. The work group must submit a final report to the Legislature detailing its work and any recommendations, including any recommendations for legislation, by November 1, 2026.

EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):

- Requires that the work group designate the entities responsible for the implementation of each recommendation, including the entity primarily responsible.
- Requires the work group to submit an interim report to the Legislature by January 1, 2026, outlining its work to date, along with information on any permits or processes the work group may focus on during the course of their work, in addition to the final report by November 1, 2026.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This is a strong bipartisan bill. The inspiration for this came from a conversation I had with WSDOT

prior to session about a project at a particularly dangerous intersection on the Key Peninsula. We were going through what it would take to put in such a roundabout and I identified at least five different state entities that would need permits for that project, on top of the army corps of engineers, and tribes, and others. The whole idea here is to come together to find out how we can streamline our permitting and regulatory processes around building things. With costs going up on transportation projects, we have to look at how we can be more efficient and effective and making sure we are building things on time and budget. We must protect environmental standards.

Persons Testifying: PRO: Representative Adison Richards, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.