

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6099

Chapter 517, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

STATE ROUTE NUMBER 520

EFFECTIVE DATE: 05/15/07

Passed by the Senate April 17, 2007
YEAS 42 NAYS 6

BRAD OWEN

President of the Senate

Passed by the House April 13, 2007
YEAS 74 NAYS 23

FRANK CHOPP

Speaker of the House of Representatives

Approved May 15, 2007, 3:17 p.m., with
the exception of sections 4 and 5 which
are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6099** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 16, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6099

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senator Murray)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to the state route number 520 bridge replacement
2 and HOV project; amending RCW 47.01.380; adding new sections to chapter
3 47.01 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the replacement
6 of the vulnerable state route number 520 corridor is a matter of
7 urgency for the safety of Washington's traveling public and the needs
8 of the transportation system in central Puget Sound. The state route
9 number 520 floating bridge is susceptible to damage, closure, or even
10 catastrophic failure from earthquakes, windstorms, and waves.
11 Additionally, the bridge serves as a vital route for vehicles to cross
12 Lake Washington, carrying over three times its design capacity in
13 traffic, resulting in more than seven hours of congestion per day.

14 Therefore, it is the conclusion of the legislature that time is of
15 the essence, and that Washington state cannot wait for a disaster to
16 make it fully appreciate the urgency of the need to replace this
17 vulnerable structure. The state must take the necessary steps to move
18 forward with a state route number 520 bridge replacement project design
19 that provides six total lanes, with four general purpose lanes and two

1 lanes that are for high-occupancy vehicle travel that could also
2 accommodate high capacity transportation, and the bridge shall also be
3 designed to accommodate light rail in the future. High-occupancy
4 vehicle lanes in the state route 520 corridor must also be able to
5 support a bus rapid transit system.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW
7 to read as follows:

8 (1) As soon as practicable after the effective date of this act,
9 and after consulting with the city of Seattle, the office of financial
10 management shall hire a mediator, and appropriate planning staff,
11 including urban, transportation, and neighborhood planners, to develop
12 a state route number 520 project impact plan for addressing the impacts
13 of the state route number 520 bridge replacement and HOV project design
14 on Seattle city neighborhoods, parks, including the Washington park
15 arboretum, and institutions of higher education. The mediator must
16 have significant professional experience in working with communities
17 that surround major transportation construction projects, and
18 mitigating the impacts of those transportation projects on those
19 communities. The office of financial management shall hire the
20 mediator and the planning staff within existing appropriations
21 allocated for the state route number 520 bridge replacement and HOV
22 project. The position of mediator under this section is not considered
23 a certified or legally binding position.

24 (2) The mediator's responsibility to develop a project impact plan
25 is highly time sensitive. As a result, competitive bidding is not
26 cost-effective or appropriate for personal service contracts to hire
27 the mediator. The director of the office of financial management
28 shall, by the director's authority under RCW 39.29.011(5), exempt any
29 such personal service contract from the competitive bidding
30 requirements of chapter 39.29 RCW.

31 (3) In evaluating the project impacts, the mediator must consider
32 the concerns of neighborhoods and institutions of higher education
33 directly impacted by the proposed design, establish a process that
34 incorporates interest-based negotiation, and work with the appropriate
35 planning staff to develop mitigation recommendations related to the
36 project design. The mediator shall work to ensure that the project

1 impact plan provides a comprehensive approach to mitigating the impacts
2 of the project, including incorporating construction mitigation plans.

3 (4) The ultimate goal of the mediation and planning process
4 established in subsection (1) of this section is to develop a project
5 impact plan agreed to by all appropriate parties including, but not
6 limited to, those parties listed in subsection (6) of this section.
7 The project impact plan must be consistent with RCW 47.01.380, and must
8 support and be consistent with the approved purpose and need statement
9 for the project, which is: "The purpose of the project is to improve
10 mobility for people and goods across Lake Washington within the SR 520
11 corridor from Seattle to Redmond in a manner that is safe, reliable,
12 and cost-effective while avoiding, minimizing, and/or mitigating
13 impacts on the affected neighborhoods and the environment." The
14 mediator must strive to develop a consensus-based plan. In the event
15 that the mediation process does not result in consensus, the mediator
16 shall submit a project impact plan to the governor and the joint
17 transportation committee that reflects the views of the majority of the
18 mediation participants.

19 (5) The process established in subsection (1) of this section shall
20 result in a project design that provides six total lanes, with four
21 general purpose lanes and two lanes that are for high-occupancy vehicle
22 travel that could also accommodate high capacity transportation. The
23 bridge shall also be designed to accommodate light rail in the future
24 and to support a bus rapid transit system. Additionally, the mediator
25 shall strive to develop a project impact plan within the constraints of
26 the range of estimated project costs as of May 1, 2007.

27 (6)(a) In performing the duties of this section, and consistent
28 with the governor's findings and conclusions, dated December 15, 2006,
29 the mediator shall work with interested parties directly affected by
30 the state route number 520 bridge replacement and HOV project
31 including, but not limited to, at least the following:

- 32 (i) Representation from each neighborhood directly impacted by the
33 project;
- 34 (ii) Representation from local governments on both ends of the
35 bridge directly impacted by the project;
- 36 (iii) Representation from King county;
- 37 (iv) Representation from the Washington park arboretum;
- 38 (v) Representation from the University of Washington; and

1 (vi) Representation from sound transit.

2 (b) The mediator shall also work with the department and others as
3 necessary.

4 (c) Before the mediator may submit the project impact plan, it must
5 be reviewed by the mayor of Seattle and the Seattle city council. The
6 project impact plan must reflect whether the mayor and council concur
7 or do not concur with the plan and include an explanation regarding
8 their positions.

9 (7) Until December 1, 2008, the mediator must provide periodic
10 reports to the joint transportation committee and the governor
11 regarding the status of the project impact plan development process.
12 The mediator must submit a progress report to the joint transportation
13 committee and the governor by August 1, 2007. The mediator must submit
14 a final project impact plan to the governor and legislature by December
15 1, 2008.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01 RCW
17 to read as follows:

18 In developing the state route number 520 project impact plan
19 provided in section 2 of this act, the mediator and associated planning
20 staff shall review the department's project design plans in the draft
21 environmental impact statement for conformance with the following
22 legislative goals regarding the final design for the state route number
23 520 bridge replacement and HOV project:

24 (1) Minimize the total footprint and width of the bridge, and seek
25 appropriate federal design variances to safety and mobility standards,
26 while complying with other federal laws;

27 (2) Minimize the project impact on surrounding neighborhoods,
28 including incorporation of green lids and connectors, and minimize any
29 increases in additional traffic volumes through the Washington park
30 arboretum and other adjacent neighborhoods;

31 (3) Incorporate the recommendations of a health impact assessment
32 to calculate the project's impact on air quality, carbon emissions, and
33 other public health issues, conducted by the Puget Sound clean air
34 agency and King county public health;

35 (4) Ensure that the ultimate project configuration effectively
36 prioritizes maintaining travel time, speed, and reliability on the two
37 high-occupancy vehicle lanes; and

1 (5) Clearly articulate in required environmental documents the
2 alignment of the selected preferred alternative for the state route
3 number 520 bridge replacement and HOV project and the footprint of the
4 project and the affected areas.

5 ***NEW SECTION.** *Sec. 4. A new section is added to chapter 47.01 RCW
6 to read as follows:*

7 *In addition to the review required in section 3 of this act, the*
8 *mediator may determine that additional alternative concept designs*
9 *should be considered for the west end of the project to best meet the*
10 *expressed legislative goals described in section 3 of this act. The*
11 *mediator may contract with an engineering firm to conduct an*
12 *independent feasibility analysis of the following proposals: A*
13 *combination of tunnels and submerged tubes under Lake Washington; a*
14 *partial tunnel from Interstate 5 to the west end of the state route*
15 *number 520 bridge; and a proposal to move state route number 520 from*
16 *its current alignment through the arboretum. The analyses for all*
17 *alternative concept design plans must be submitted to the joint*
18 *transportation committee and the governor by September 1, 2007. The*
19 *mediator must hold a public hearing regarding the results of the*
20 *independent review and reflect the independent review findings in the*
21 *project impact plan. Up to two hundred fifty thousand dollars of the*
22 *existing funding appropriation to the project shall be used for*
23 *reviewing these alternative concept design plans.*

**Sec. 4 was vetoed. See message at end of chapter.*

24 **Sec. 5. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read*
25 *as follows:*

26 *(1) The department shall not commence construction on any part of*
27 *the state route number 520 bridge replacement and HOV project until a*
28 *record of decision has been reached providing reasonable assurance that*
29 *project impacts will be avoided, minimized, or mitigated as much as*
30 *practicable to protect against further adverse impacts on neighborhood*
31 *environmental quality as a result of repairs and improvements made to*
32 *the state route number 520 bridge and its connecting roadways, and that*
33 *any such impacts will be addressed through engineering design choices,*
34 *mitigation measures, or a combination of both.*

35 *(2) The department shall not commence on-site construction on any*

1 part of the state route number 520 bridge replacement and HOV project
2 until the department submits the finance plan required in section 7 of
3 this act to the legislature.

4 (3) The requirements of this section shall not apply to off-site
5 pontoon construction supporting the state route number 520 bridge
6 replacement and HOV project.

*Sec. 5 was vetoed. See message at end of chapter.

7 NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW
8 to read as follows:

9 As part of the state route number 520 bridge replacement and HOV
10 project, the governor's office shall work with the department, sound
11 transit, King county metro, and the University of Washington, to plan
12 for high capacity transportation in the state route number 520
13 corridor. The parties shall jointly develop a multimodal
14 transportation plan that ensures the effective and efficient
15 coordination of bus services and light rail services throughout the
16 state route number 520 corridor. The plan shall include alternatives
17 for a multimodal transit station that serves the state route number 520
18 - Montlake interchange vicinity, and mitigation of impacts on affected
19 parties. The high capacity transportation planning work must be
20 closely coordinated with the state route number 520 bridge replacement
21 and HOV project's environmental planning process, and must be completed
22 within the current funding for the project. A draft plan must be
23 submitted to the governor and the joint transportation committee by
24 October 1, 2007. A final plan must be submitted to the governor and
25 the joint transportation committee by December 2008.

26 NEW SECTION. Sec. 7. A new section is added to chapter 47.01 RCW
27 to read as follows:

28 The state route number 520 bridge replacement and HOV project
29 finance plan must include state funding, federal funding, at least one
30 billion dollars in regional contributions, and revenue from tolling.
31 The department must provide a proposed finance plan to be tied to the
32 estimated cost of the recommended project solutions, as provided under
33 section 3 of this act, to the governor and the joint transportation
34 committee by January 1, 2008.

1 NEW SECTION. **Sec. 8.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

 Passed by the Senate April 17, 2007.

 Passed by the House April 13, 2007.

 Approved by the Governor May 15, 2007, with the exception of
 certain items that were vetoed.

 Filed in Office of Secretary of State May 16, 2007.

 Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 4 and 5,
Engrossed Substitute Senate Bill 6099 entitled:

"AN ACT Relating to the state route number 520 bridge replacement
and HOV project."

This bill is an important step in making progress on the replacement
of the State Route 520 bridge. The bill declares that the bridge
should be replaced with four general purpose lanes and two high
occupancy vehicle lanes. It also creates a mediation process for
resolving concerns regarding community impacts caused by the bridge
replacement.

Section 4 of this bill permits the project's mediator to ask an
engineering firm to conduct an independent review of tubes and
tunnels under Lake Washington, a partial tunnel from Interstate 5 to
the west end of the SR 520 bridge, and a proposal to move SR 520 from
its current alignment through the Arboretum. The bill requires that
the mediator submit a report to the Joint Transportation Committee
and the Governor regarding the results of the independent review by
September 1, 2007.

I have decided to veto Section 4 due to the permissive nature of the
bill language and the insufficient amount of time available to
conduct the independent design review. Instead, the contract for the
mediator will require the mediator to ask an engineering firm to
conduct an independent review of the three alternative designs for
the project, rather than simply permitting the mediator to conduct
the review. Additionally, the contract will require completion of the
independent review by December 1, 2007. Mandating the review while
providing additional time for the work will provide sufficient time
for an engineering firm to perform a thorough review of the proposed
alternative designs.

Section 5 of the legislation prohibits any on-site construction of
the SR520 project. This section has good intentions, but could
inadvertently prevent the Department of Transportation (Department)
from moving forward on projects outside of the actual bridge
replacement. While I have vetoed Section 5, I am directing the
Department not to commence any bridge construction until the

mitigation and finance plans are submitted to the Governor and Legislature by 2008.

For these reasons, I have vetoed Sections 4 and 5 of Engrossed Substitute Senate Bill 6099.

With the exception of Sections 4 and 5, Engrossed Substitute Senate Bill 6099 is approved."