

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
<b>Total</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Paul Ingiosi, OFM	<b>Phone:</b> (360) 902-9822	<b>Date Published:</b> Final 2/24/2012
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID 32312

FNS029 Multi Agency rollup

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☒ No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Clinton McCarthy	Phone: 360-786-7319	Date: 02/20/2012
Agency Preparation: Toni Ursich	Phone: (509) 456-3123	Date: 02/22/2012
Agency Approval: Sarian Scott	Phone: (360) 586-2104	Date: 02/22/2012
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/23/2012

Request # 12-177-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1 is a new section setting forth the legislature's findings, including findings that: the policies that gave rise to the Shoreline Management Act (SMA) are still vital to the protection of state shorelines; State Route (SR) 520, including the Evergreen Point bridge, is a critical component of the state highway system; the Evergreen Point bridge is in critical need of major repair and retrofit: there are narrow windows within which work on the bridge may be performed due to weather and environmental constraints; and significant delays in replacing the floating span and east approach of the bridge must be avoided in order to avoid catastrophic loss of the bridge and to protect a number of state interests.

Section 2 amends RCW 90.58.140(5), adding new provisions related to the work on the Evergreen Point bridge.

Section 2(5)(b)(i) is a new section providing that, in the case of any permit or decision to issue a permit to the Department of Transportation (WSDOT) for replacement of the floating span and east approach of SR 520, construction may begin 21 days from the date of filing, and providing that any substantial development permit granted for such construction is deemed to have been granted on the date that the local government's decision to grant the permit is issued. This authorization to construct is limited to only those elements of the construction that do not preclude WSDOT's selection of a four-lane alternative for SR 520 between Medina and Interstate 5.

Section 2(5)(b)(ii) is a new section providing that nothing in subsection (5)(b) precludes the hearings board from concluding that the project, or any of its elements, are inconsistent with the SMA or the local shoreline master program. If the board makes such a finding, it is authorized to order additional conditions be applied to permits reviewed under subsection (5)(b) and/or to require WSDOT to make impact mitigation payments. Impact mitigation payments may be established only after a hearing, must be set in the amount necessary to provide additional mitigation for project impacts, and may not exceed 1% of the cost of the individual project or project phase authorized by the permits reviewed under this section and found to be inconsistent with the SMA and the local shoreline master program.

Section 2(5)(b)(iii) is a new section providing that this section applies to any appeals filed after January 1, 2012, and expires June 30, 2014.

Section 2(5)(c) adds the language "Except as authorized in (b) of this subsection" to former section 2(5)(b), which is the provision governing the time within which construction may be commenced.

Section 2(5)(d) adds the language "Except as authorized in (b) of this subsection" to former section 2(5)(c), which is the provision governing the time within which construction for substantial developments may be commenced. This section also adds a reference to subsection (d).

Section 3 is a new section which is an emergency clause providing that this act takes effect immediately.

This bill has an emergency clause and is assumed to be effective immediately.

### II. B - Cash receipts Impact

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*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

None.

**II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

None.

**Part III: Expenditure Detail**

**Part IV: Capital Budget Impact**

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

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- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Clinton McCarthy	Phone: 360-786-7319	Date: 02/20/2012
Agency Preparation:	Helena Kennedy Smith	Phone: 206-464-1226	Date: 02/22/2012
Agency Approval:	Craig Stone	Phone: 206-464-1222	Date: 02/22/2012
OFM Review:	Paul Ingiosi	Phone: (360) 902-9822	Date: 02/22/2012

Request # 12-080-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Limited construction on the replacement of the floating span and east approach of the State Route 520 Evergreen Point Bridge may begin 21 days from the date of filing for permits, even if the permits were challenged. This authorization to proceed is limited to those elements that do not preclude a 4-lane alternative.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

n/a

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

If the hearings board concludes that there are inconsistencies with the shoreline management act or local shoreline master program, it may order further conditions be applied or require an impact mitigation payment of up to one percent of the cost of the individual project or phase, or both. The cost of further conditions cannot be determined until the number and type of conditions are known.

An impact mitigation payment would be calculated as one percent of the value of the \$659 million construction phase or \$6.59 million. This amount is considered as part of the existing reserves in the project budget, so there is no incremental project cost increase.

The cost of meeting further conditions cannot be determined since it would vary with the number or type of conditions. The cost for these conditions may be covered in the reserves for the project, so there is likely no incremental project cost increase.

The bill avoids certain costs associated with an automatic stay of construction. In an automatic stay, WSDOT would either need to issue a stop work notice to the contractor or would ask the contractor to demobilize and remobilize after the Shoreline Hearings Board heard the appeal. A stay of construction, depending on extensions and regulatory windows, is estimated to last up to 12 months. During this time, the contractor would be eligible for reimbursement of costs including: extended overhead; loss of an opportunity payment; additional costs for pontoon moorage, and general claims. Depending upon the length of the stay and whether the stay resulted in the contractor also being precluded from work during regulatory windows, a delay of 12 months could add an additional estimated \$165 million to the project.

This amount of funding is not included in the project's current reserves or contingencies.

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

## **Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

☒ No Fiscal Impact

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- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Clinton McCarthy	Phone: 360-786-7319	Date: 02/20/2012
Agency Preparation:	Gordon Wiggerhaus	Phone: 360-407-6994	Date: 02/22/2012
Agency Approval:	Erik Fairchild	Phone: 360-407-7005	Date: 02/22/2012
OFM Review:	Linda Steinmann	Phone: 360-902-0573	Date: 02/22/2012

Request # 12-117-1



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

SB 6599 is concerned with appeals of shoreline permits for the new SR 520 floating bridge.

Section 1 is a statement of intent. To avoid increased costs due to project delays and to accomplish timely replacement of the SR 520 floating bridge, this bill would exempt some of the bridge construction work from the automatic appeal section of the state Shorelines Management Act (SMA). The exemption would allow construction to begin earlier than it normally would under SMA appeals rules.

Section 2 would amend RCW 90.58.140, Shorelines Permits, to provide that construction of the SR 520 floating bridge and the east approach may begin 21 days after shoreline permit approval, even if the shoreline permit is appealed. Under the bill, the normal stay that is placed on construction during appeals of shoreline permits would not apply to the SR 520 project. This exemption would apply only to construction of the SR 520 bridge and the east approach work. Other road work on the east and all western work would not be included in the exemption.

Appeals of the permit would be heard as usual by the Shorelines Hearings Board (SHB). No exemption from the requirements of the SMA is provided by the bill. The SHB would consider any appeals, and could determine that additional mitigation is needed, or that payment into a mitigation fund is necessary. However, construction would proceed regardless of Shoreline permit appeal. The special appeals provision would apply to any appeals filed after January 1, 2012, and expire June 30, 2014.

This bill would have no fiscal impact on the Dept. of Ecology. Ecology's regional shorelines staff commonly assist the state Assistant Attorneys General during appeals of shoreline permits. Staff would continue to do such work under the special appeals process created by this bill. The work would be nearly identical. The particular features of the SR 520 appeal process that are created by this bill would not materially alter the type of work or the workload of shorelines staff.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge	<b>Agency:</b> 468-Environmental & Land Use Hearings
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## Part I: Estimates

☒ No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Clinton McCarthy	Phone: 360-786-7319	Date: 02/20/2012
Agency Preparation: Robyn Bryant	Phone: 360-664-9166	Date: 02/21/2012
Agency Approval: Bill Lynch	Phone: (360) 664-9179	Date: 02/21/2012
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/21/2012

Request # 25-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

House Bill 2787 and Senate Bill 6599 address shoreline permits associated with the replacement of certain elements of the State Route Number 520 Evergreen Point Bridge. The Shoreline Management Act (SMA) provides that anyone aggrieved by a shoreline permit decision may file an appeal with the Shorelines Hearings Board (SHB) within 21 days after the date the permit decision is filed with the Department of Ecology. Construction under an approved permit may not begin until this 21-day period is over, or until all review proceedings by the SHB are concluded if an appeal was timely filed. If the SHB upholds the permit and it is appealed to superior court, the Appellant may request the superior court within 10 days of the appeal being filed for a hearing to determine whether construction pursuant to the permit should not commence. If the superior court determines that construction would involve significant, irreversible damage to the environment, it must prohibit the permittee from starting construction until all review proceedings are final. If the permittee begins construction, it is at the permittee's own risk. A limited exception to the limits on initiating construction under the SMA was placed into statute previously for the construction of State Route 90 on or adjacent to Lake Washington.

HB 2787/SB 6599 provide that with respect to any shoreline permit issued to the Washington State Department of Transportation (WSDOT) for the replacement of the floating span and east approach of State Route 520 Evergreen Point Bridge on or adjacent to Lake Washington, construction may begin 21 days after the permit decision is filed with the Department of Ecology, and any substantial development permit is deemed granted on the date it is issued by the local government. The authorization is limited for certain elements of the project. The SHB is not precluded from finding that the project or a portion of the project is not consistent with the SMA or local shoreline master program. The SHB may order further conditions be applied to the permits, require the WSDOT to provide an impact mitigation payment to a fund to address project impacts, or both. If the SHB determines that an impact mitigation payment is justified, it must hold a hearing regarding the impact mitigation payment. This exemption applies to appeals filed after January 1, 2012, and expires on June 30, 2014.

The SHB currently hears appeals of shoreline permits and issues opinions subsequent to the hearings. Impact mitigation payments would be a new type of hearing before the SHB, but the Board believes it can handle these appeals within its current workload.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

**Part IV: Capital Budget Impact**

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

<b>Bill Number:</b> 6599 SB	<b>Title:</b> SR-520 Evergreen Pt bridge
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

## Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

## Part III: Preparation and Approval

Fiscal Note Analyst: Jaime Kaszynski	Phone: 360-725-2717	Date: 02/24/2012
Leg. Committee Contact: Clinton McCarthy	Phone: 360-786-7319	Date: 02/20/2012
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/24/2012
OFM Review: Paul Ingiosi	Phone: (360) 902-9822	Date: 02/24/2012

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

Section 2 amends RCW 90.58.140 to add provisions related to shoreline substantial development permits for replacement of the floating span and east approach of the SR 520 Evergreen Point bridge (hereafter, "bridge permits"). Construction on specified portions of the project could begin 21 days after the date of filing, and any bridge permit is deemed to have been granted on the date issued by the local government.

These provisions would not prevent the Shoreline Hearings Board (SHB) from concluding that elements of the project were inconsistent with the Shoreline Management Act or local master program. If the SHB so found, it could order that additional conditions be applied to the bridge permit(s), or require the Washington State Department of Transportation (WSDOT) to provide a mitigation payment of up to 1 percent of the cost of the relevant project or project phase.

These provisions would apply to appeals filed after January 1, 2012, would take effect upon the bill's passage, and would expire June 30, 2014.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

The proposed legislation is not anticipated to directly impact local government expenditures. The cities of Seattle and Medina would retain shoreline permitting authority over the bridge projects, though WSDOT could commence construction before appeals on the permit were finally resolved.

### **C. SUMMARY OF REVENUE IMPACTS**

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

The proposed legislation would not directly impact local government revenue or revenue authority. Section 2(5)(b)(ii) includes language limiting any mitigation payment on a bridge permit ordered by the SHB to 1 percent of the cost of the relevant project or project phase. The WSDOT fiscal note indicates that this amount could be about \$6.59 million, based on the current bridge project budget. The City of Seattle indicates that mitigation activities already contained in the bridge project permits, and agreed to by WSDOT, are likely to be sufficient to address impacts from the project, and that they would not anticipate the SHB ordering substantial additional mitigation.

#### **SOURCES:**

WSDOT staff and fiscal note

City of Seattle, Department of Transportation