



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director
DATE: November 29, 2016 
SUBJECT: **Designation of I-5 Bridge Replacement a Project of Statewide Significance**

AT A GLANCE

The Board of Directors previously authorized a discussion pertaining to a Resolution designating an I-5 bridge replacement project as a Project of Statewide Significance. This memorandum presents some background for that discussion.

BACKGROUND

At the November 1, 2016 RTC Board meeting, the Board agreed to discuss a Resolution introduced under Board Business. The Resolution, prepared by citizen advocates, asks that the RTC Board recommend that the State of Washington designate the I-5 Bridge Replacement as a Project of Statewide Significance. The statutory framework for said designation is found in RCW 43.157. (The original Resolution introduced on November 1, 2016 discussion is attached.)

POLICY CONTEXT

Development of regional consensus and support for replacement of the I-5 Columbia River bridges has taken many forms. In recent years, the RTC Board has adopted policy and plans which support improvement or replacement of the existing I-5 Columbia River bridges. Those policy endorsements have been:

Specific Study / Project Endorsements:

- I-5 Transportation and Trade Study (BR 12-02-25)
- I-5 Columbia River Crossing Locally Preferred Alternative (BR 07-08-10)
- I-5 Columbia River Crossing Final Environmental Impact Statement (BR 08-11-14)

Specific Plan Approvals:

- Since 2008, the RTC Board has approved a Regional Transportation Plan which includes a specific project to improve/replace the I-5 bridges.
- Between 2002-2008, the RTC's Metropolitan Transportation Plan: Strategic Plan Appendix included a recommendation to add capacity to the I-5 bridge(s).

LEGAL REVIEW

A thorough review of the statute pertaining to designating Projects of Statewide Significance has been completed and is attached.

OPTIONS

The suggested Resolution falls within the parameters of current RTC Board policy, and could bolster the requested state designation process. Considering that, the following options are available to the Board.

- 1) Do nothing
- 2) Adopt the Resolution as submitted
- 3) Provide feedback to the Executive Director for follow-up efforts and/or action.

NEXT STEPS

Following the Board discussion at the December 6 meeting, staff will move forward in a manner consistent with Board direction.

Attachments

- Resolution introduced at November 1, 2016 RTC Board of Directors meeting.
- Legal Review Memorandum dated November 29, 2016.

1) Public Comment submitted by: Ed Barnes at the November 1, 2016 RTC Board Meeting
2) This Resolution was formally introduced to the RTC Board during Agenda XIII (A), Other Business, From the Board, by Clark County Council Chair, Marc Boldt. The Board passed a motion in favor to discuss this Resolution at the December 6, RTC Board Meeting.

I-5 BRIDGE PROJECT SHOULD CARRY "PROJECT OF STATEWIDE SIGNIFICANCE" DESIGNATION

The pending I-5 bridge project qualifies for, and should be designated by the State of Washington as a project of statewide significance. In 1997, the state legislature adopted legislation which provides that certain projects and investments merit special designation and treatment by government bodies as government projects and investments of Statewide Significance.

Whereas--- The above mentioned legislation designates that border-crossing projects involving both private and public investments carried out in conjunction with adjacent states or provinces or a private development with private capital investment qualifies for this special designation; and,

Whereas---Such designation is designed to "expedite the development of projects of statewide significance" and local governments having comprehensive plans may "develop a process to expedite the review, approval, permitting, and completion of projects of statewide significance; and

Whereas---The I-5 bridge project clearly falls under that designation; and

Whereas--- This legislation refers directly to the types of investment like SEH America and Wafer Tech that were designated as projects of Statewide Significance; and

Whereas---Border Crossing projects that involve both private and public investments with adjacent states such as the State of Oregon; and local industries and the employees of those industries rely directly on the bridge that services the I-5 corridor; and

Whereas---The I-5 bridge is designated as part of a national defense interstate highway system serving the west coast from Canada to Mexico, including Oregon and Washington and the metropolitan area of Portland and Vancouver; and

Whereas--Existing I-5 bridge congestion is negatively impacting the entire west coast, especially projects that have been designated Industries of Statewide Significance and the economies of SW Washington and the Portland Metropolitan Area;

Therefore---Be it resolved that the Regional Transportation Council (RTC) recommends that the State of Washington designate the I-5 Bridge Replacement as a project of Statewide Significance.

Submitted by: Ed Barnes
11-1-2016

MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Ted Gathe, RTC General Counsel
DATE: November 29, 2016
SUBJECT: **I-5 Bridge Project – Statewide Significance Designation**

Chapter 43.157 RCW was enacted by the Washington Legislature in 1997. The legislation was primarily intended to encourage private sector projects that are deemed to be of statewide significance. One method of encouraging project development is to assist in expediting transportation infrastructure improvements and other required permits. A local example of the process occurred when WSDOT improved the 192nd and SR 14 interchange some years ago as a priority project that would encourage private investment in high tech and other industries within the general area of the 192nd Street corridor.

While the emphasis in the legislation is on private sector development, the statute at RCW 43.157.010 also includes in the definition of Project of Statewide Significance the following: “a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces.”

It has been argued that the existing congestion problem in the I-5 bridge corridor is negatively affecting businesses that have already been given the statewide significance designation; however, that fact alone does not address the private investment requirement contained in the statewide significance definition referenced above. The application for such a project requires certain thresholds for both private sector job creation and investment. For Clark County, there is a requirement that the project generate 100 or more jobs with a minimum private investment of \$40 million. Projects that have already received the statewide significance designation could not be used to meet the jobs/ private investment requirements. See WAC 130-30-010. New projects associated with or related to construction of a new I-5 bridge and corridor improvements would need to be identified in any application filed with the Department of Commerce.

The RTC Board has the authority to approve a resolution supporting the designation of the I-5 Bridge Project as a project of statewide significance; however, RTC is not a “jurisdiction” as that term is defined in WAC 130-20-020. Jurisdiction means “any local government with the authority to issue permits related to the construction of a project seeking designation as a project of statewide significance.” While RTC has some environmental review responsibilities associated with any proposed I-5 bridge project, it does not issue construction-related permits. Therefore, RTC would not be a required party to any application for statewide significance designation.

If the RTC Board decides to approve a supporting resolution, it is recommended that the draft resolution submitted by the proponents be substantially revised and considered by the Board at the January, 2017 Board meeting.