

SEPA RULEMAKING ADVISORY COMMITTEE MEETING

October 16, 2015 – 9:30 AM TO 11:00 AM
WASHINGTON STATE DEPARTMENT OF ECOLOGY
300 Desmond Drive
Lacey, WA 98503

Present: Anne Aagaard, Paul Crane (City of Everett), Fred Greif (DNR), Erin Hanlon Brown (Ecology), Mark Mazzola (Seattle DOT), Brenden McFarland (Ecology), Brian Johnston (Pierce County Public Works) Chris Regain (NEPA/SEPA Compliance, WSDOT), Carol Lee Roakvam (WSDOT), John Rothlin (AVISTA), Fran Sant (Ecology), Jacob Sheppard (King County Wastewater Treatment Division), Bryce Yadon (Futurewise)

Objectives for this meeting: Discuss proposed changes related to structurally deficient bridges and other transportation related exemptions/clarifications as proposed by the City of Seattle

9:30am: Welcome/ Introductions/Agenda Review (Brenden McFarland)
9:45am: Structurally Deficient Bridge Categorical Exemptions (all)
Review and discussion of draft proposal for City and County Structurally Deficient Bridges.
10:15am: Open discussion of transportation related exemptions (all)
As proposed by the City of Seattle in 197-11-800 (2)
10:45am: Public Comment and meeting wrap up
11:00am: Adjourn

Attachments: Draft proposal for structurally deficient bridges for Cities and Counties
Draft proposal by the City of Seattle

Welcome

Brenden McFarland welcomed everyone and reviewed the objectives and related attachments for today's meeting. There were no comments or additions to the agenda.

Structurally Deficient Bridge Categorical Exemptions

The group reviewed the draft proposal for structurally deficient city and county bridges and discussed questions related to the proposal:

- Since this is an exemption without an exception, this was created as a stand-alone exemption.
- There was a questions about the addition of a heading for 800(26). This was left off in the last round of rulemaking but is typically standard. As such it is a minor edit to include the heading.
- Question regarding the wording in draft 27(b) related to a change in capacity of automobile lanes - what does "change in capacity" mean. Brenden responded that the focus was largely on increasing capacity, however, the language is plain because HB 1851 directs us to copy the DOT exemption for structurally deficient city and county bridges – which has yet to be defined for either.
- Follow-up question about comparison of the language against HB 1219. How does language written previously for structures (more broadly) compare? 1851 is very specific, and refers to 800(26). Brenden asked that we look closely at the language for HB 1219 to be sure we are clear. Carol Lee said that they wouldn't recommend any changes to 800(26) based on the language in 1219.

- Would the new exemption exempt a historic bridge? Brenden responded that as long as it is structurally deficient, it would cover historic bridges. However, the historic nature of bridges would be addressed by means outside of SEPA.
- Towns are not currently specified in the draft language, but should be included because HB 1851 specifically addresses city, town and county bridges.

- **Transportation Related Exemptions**

The group discussed proposed changes by the City of Seattle to 197-11-800(2) to clarify this section. Mark Mazzolla added that the idea is get clarification about whether or not actions taken by the city to manage and evolve their transportation plans were considered exempt from SEPA in this section.

800(2)(d)(vii) Installation of catch basins and culverts for the purposes of road and street improvements

- Does “catch basins and culverts” include Green Stormwater Infrastructure? Should it be called out as an exemption? Or is it covered in the exemption for utilities?
- The general consensus was that it should be included. However, there were concerns that this proposal is outside the scope of transportation.
- Participants asked for a definition of “green” infrastructure and expressed concern with a broadly defined “green” term and suggested bio retention as a possible language choice. Others in the group noted that bioretention is just one tool in the Green Stormwater Infrastructure toolkit. There was a suggestion to add language specific to stormwater improvements, but avoid getting caught up in the definition.

Action: Brenden suggested working on language and bringing it to the next meeting for further discussion.

800(2)(C) The construction ~~and~~ or installation of commercial on-premise signs, and public signs and signals servicing the public interest, including those for traffic control and wayfinding.

- There was limited discussion on this change. Mark clarified by offering the example that this would allow a hospital to put up a sign.
- Brenden asked the group for comments on this change in language. There were no comments.

800(2)(d)(i) Safety structures and equipment: Such as pavement marking, traffic calming structures, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings) grooving, glare screen, safety barriers, energy attenuators;

- Concerns about designating roadways from a two-way to a one-way – typically this equates to higher speed limits, which is a safety concerns for cyclists, and pedestrians, as well as pollution impacts from higher speed limits.
- Does “traffic calming structures” belong in the section on minor new construction? Is there any construction involved with designating roadways?
 - Mark – these questions are about operational changes and their legal department takes a very conservative approach. If it is not specifically called out, they are doing SEPA. If they are exempt, and shouldn’t be under minor new construction, where do they fit?
- Look to Federal Highways Administration for speed impacts and associated changes to traffic patterns. WSDOT is unable to use categorical exemptions if traffic patterns are changed.

- Additionally, changing traffic patterns may also affect air quality. Impacts may be covered under the Clean Air Act
- Futurewise doesn't think that the impacts of a one-way to a two-way should be included because the impacts are not negligible. Mark suggested limitations or distinctions on the scope of these changes. Changing a block or two is a lot different than an arterial corridor.

Action: Further discussion to occur outside of meeting. Focus within the meeting is the larger issue of whether or not this fits into 800(2) under the "minor new construction" heading.

- There were some questions about traffic calming versus traffic controlling (stop or signal)
- Interest in narrowing the use of this based on signs and speed? How big is the roundabout? In a neighborhood/residential area?
- Carol Lee recommended looking at the Institute for Traffic Engineers website for language and come back to this in the next meeting with a minor traffic calming definition to include in the language.

There was additional discussion regarding **800(2)(d)(vii)** Installation of catch basins and culverts for the purposes of road and street improvements

- Request for clarification on the green Stormwater infrastructure (GSI). To what extent is a King County project to remove Stormwater from the right-of-way reviewed in light of this exemption? King County's interpretation is that they have not found an exemption for GSI related projects.
- Fred added that DNR concerns with GSI beyond the transportation corridor would be a different consideration
- WSDOT from state transportation perspective one of the things they are looking at is to ensure there is not conveyance of stormwater into transportation projects - There might be room through this lens to get at the concerns within the scope of transportation projects.
- Brenden noted that while an interesting discussion, it is likely outside the defined scope of this rulemaking session and we can certainly flag it for next time.

Public Comment

There were no comments.

Closing Remarks

Fran reminded the group about the timeline for this round of rulemaking. We need to get a draft rule to the Rules Unit by mid-December. Since there was not feedback on 800(26) Fran will clean that up and get it back to the group. Additionally, we will continue our discussion of 800(2) and get more clarity before the next meeting.

Chris raised a question about the organization of the exemptions. They are currently inconsistent in the way they are organized and where the definitions are. The definitions could alternately be housed in the definitions section.

Fred – will email Fran correction of a statute in DNR exemptions related to geothermal drilling and mineral extraction processing.

Next meeting: November 5, 2015 – 9:30 – 11:00 am