

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1219

64th Legislature
2015 3rd Special Session

Passed by the House June 29, 2015
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate June 30, 2015
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1219** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1219

Passed Legislature - 2015 3rd Special Session

State of Washington

64th Legislature

2015 Regular Session

By Representatives Zeiger, Clibborn, Orcutt, Fey, Kochmar, Hargrove, Muri, Ortiz-Self, Pike, Hayes, Stambaugh, Magendanz, Buys, Moscoso, Haler, Condotta, and Wilson

Read first time 01/15/15. Referred to Committee on Transportation.

1 AN ACT Relating to expedited permitting and contracting for
2 Washington state bridges deemed structurally deficient; amending RCW
3 47.28.170; reenacting and amending RCW 47.04.010; adding a new
4 section to chapter 43.21C RCW; creating a new section; and declaring
5 an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that, as of November
8 2014, there were one hundred thirty state-owned bridges classified as
9 structurally deficient. The legislature further finds that a span of
10 the Skagit river bridge on Interstate 5, the Trooper Sean M.
11 O'Connell Jr. Memorial bridge, recently collapsed when an oversized
12 load struck the trusses that supported the bridge. Although the
13 Skagit river bridge was not considered structurally deficient, this
14 event underscores the importance of remedying bridge structural
15 deficiencies as efficiently and expeditiously as possible. Thus, it
16 is the intent of the legislature to provide for expedited permitting
17 and contracting for state bridges identified as structurally
18 deficient by the Washington state department of transportation.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C
20 RCW to read as follows:

1 The repair or replacement of a state bridge deemed structurally
2 deficient, as defined in RCW 47.04.010, is exempt from compliance
3 with this chapter as long as the action occurs within the existing
4 right-of-way, except that the repair or replacement may occur outside
5 the existing right-of-way as needed to meet current engineering
6 standards or state or local environmental permit requirements for
7 highway construction as long as the repair or replacement does not
8 result in additional lanes for automobiles. The issuance of
9 applicable state and local agency permits or approvals associated
10 with the repair or replacement of such bridges is also included in
11 this exemption from compliance with this chapter.

12 **Sec. 3.** RCW 47.04.010 and 2003 c 244 s 2 and 2003 c 141 s 8 are
13 each reenacted and amended to read as follows:

14 The following words and phrases, wherever used in this title,
15 shall have the meaning as in this section ascribed to them, unless
16 where used the context thereof shall clearly indicate to the contrary
17 or unless otherwise defined in the chapter of which they are a part:

18 (1) "Alley." A highway within the ordinary meaning of alley not
19 designated for general travel and primarily used as a means of access
20 to the rear of residences and business establishments;

21 (2) "Arterial highway." Every highway, as herein defined, or
22 portion thereof designated as such by proper authority;

23 (3) "Business district." The territory contiguous to and
24 including a highway, as herein defined, when within any six hundred
25 feet along such highway there are buildings in use for business or
26 industrial purposes, including but not limited to hotels, banks, or
27 office buildings, railroad stations, and public buildings which
28 occupy at least three hundred feet of frontage on one side or three
29 hundred feet collectively on both sides of the highway;

30 (4) "Center line." The line, marked or unmarked parallel to and
31 equidistant from the sides of a two-way traffic roadway of a highway
32 except where otherwise indicated by painted lines or markers;

33 (5) "Center of intersection." The point of intersection of the
34 center lines of the roadways of intersecting highways;

35 (6) "City street." Every highway as herein defined, or part
36 thereof located within the limits of incorporated cities and towns,
37 except alleys;

1 (7) "Combination of vehicles." Every combination of motor vehicle
2 and motor vehicle, motor vehicle and trailer, or motor vehicle and
3 semitrailer;

4 (8) "Commercial vehicle." Any vehicle the principal use of which
5 is the transportation of commodities, merchandise, produce, freight,
6 animals, or passengers for hire;

7 (9) "County road." Every highway as herein defined, or part
8 thereof, outside the limits of incorporated cities and towns and
9 which has not been designated as a state highway, or branch thereof;

10 (10) "Crosswalk." The portion of the roadway between the
11 intersection area and a prolongation or connection of the farthest
12 sidewalk line or in the event there are no sidewalks then between the
13 intersection area and a line ten feet therefrom, except as modified
14 by a marked crosswalk;

15 (11) "Highway." Every way, lane, road, street, boulevard, and
16 every way or place in the state of Washington open as a matter of
17 right to public vehicular travel both inside and outside the limits
18 of incorporated cities and towns;

19 (12) "Intersection area." (a) The area embraced within the
20 prolongation or connection of the lateral curb lines, or, if none,
21 then the lateral boundary lines of the roadways of two or more
22 highways which join one another at, or approximately at, right
23 angles, or the area within which vehicles traveling upon different
24 highways joining at any other angle may come in conflict;

25 (b) Where a highway includes two roadways thirty feet or more
26 apart, then every crossing of each roadway of such divided highway by
27 an intersecting highway shall be regarded as a separate intersection.
28 In the event such intersecting highway also includes two roadways
29 thirty feet or more apart, then every crossing of two roadways of
30 such highways shall be regarded as a separate intersection;

31 (c) The junction of an alley with a street or highway shall not
32 constitute an intersection;

33 (13) "Intersection control area." The intersection area as herein
34 defined, together with such modification of the adjacent roadway area
35 as results from the arc or curb corners and together with any marked
36 or unmarked crosswalks adjacent to the intersection;

37 (14) "Laned highway." A highway the roadway of which is divided
38 into clearly marked lanes for vehicular traffic;

1 (15) "Local authorities." Every county, municipal, or other local
2 public board or body having authority to adopt local police
3 regulations under the Constitution and laws of this state;

4 (16) "Marked crosswalk." Any portion of a roadway distinctly
5 indicated for pedestrian crossing by lines or other markings on the
6 surface thereof;

7 (17) "Metal tire." Every tire, the bearing surface of which in
8 contact with the highway is wholly or partly of metal or other hard,
9 nonresilient material;

10 (18) "Motor truck." Any motor vehicle, as herein defined,
11 designed or used for the transportation of commodities, merchandise,
12 produce, freight, or animals;

13 (19) "Motor vehicle." Every vehicle, as herein defined, which is
14 in itself a self-propelled unit;

15 (20) "Multiple lane highway." Any highway the roadway of which is
16 of sufficient width to reasonably accommodate two or more separate
17 lanes of vehicular traffic in the same direction, each lane of which
18 shall be not less than the maximum legal vehicle width, and whether
19 or not such lanes are marked;

20 (21) "Operator." Every person who drives or is in actual physical
21 control of a vehicle as herein defined;

22 (22) "Peace officer." Any officer authorized by law to execute
23 criminal process or to make arrests for the violation of the statutes
24 generally or of any particular statute or statutes relative to the
25 highways of this state;

26 (23) "Pedestrian." Any person afoot or who is using a wheelchair,
27 power wheelchair as defined in RCW 46.04.415, or a means of
28 conveyance propelled by human power other than a bicycle;

29 (24) "Person." Every natural person, firm, copartnership,
30 corporation, association, or organization;

31 (25) "Personal wireless service." Any federally licensed personal
32 wireless service;

33 (26) "Personal wireless service facilities." Unstaffed facilities
34 that are used for the transmission or reception, or both, of personal
35 wireless services including, but not necessarily limited to, antenna
36 arrays, transmission cables, equipment shelters, and support
37 structures;

38 (27) "Pneumatic tires." Every tire of rubber or other resilient
39 material designed to be inflated with compressed air to support the
40 load thereon;

1 (28) "Private road or driveway." Every way or place in private
2 ownership and used for travel of vehicles by the owner or those
3 having express or implied permission from the owner, but not by other
4 persons;

5 (29) "Railroad." A carrier of persons or property upon vehicles,
6 other than streetcars, operated upon stationary rails, the route of
7 which is principally outside incorporated cities and towns;

8 (30) "Railroad sign or signal." Any sign, signal, or device
9 erected by authority of a public body or official or by a railroad
10 and intended to give notice of the presence of railroad tracks or the
11 approach of a railroad train;

12 (31) "Residence district." The territory contiguous to and
13 including the highway, as herein defined, not comprising a business
14 district, as herein defined, when the property on such highway for a
15 continuous distance of three hundred feet or more on either side
16 thereof is in the main improved with residences or residences and
17 buildings in use for business;

18 (32) "Roadway." The paved, improved, or proper driving portion of
19 a highway designed, or ordinarily used for vehicular travel;

20 (33) "Safety zone." The area or space officially set apart within
21 a roadway for the exclusive use of pedestrians and which is protected
22 or is marked or indicated by painted marks, signs, buttons,
23 standards, or otherwise so as to be plainly discernible;

24 (34) "Sidewalk." That property between the curb lines or the
25 lateral lines of a roadway, as herein defined, and the adjacent
26 property, set aside and intended for the use of pedestrians or such
27 portion of private property parallel and in proximity to a highway
28 and dedicated to use by pedestrians;

29 (35) "Solid tire." Every tire of rubber or other resilient
30 material which does not depend upon inflation with compressed air for
31 the support of the load thereon;

32 (36) "State highway." Every highway as herein defined, or part
33 thereof, which has been designated as a state highway, or branch
34 thereof, by legislative enactment;

35 (37) "Streetcar." A vehicle other than a train, as herein
36 defined, for the transporting of persons or property and operated
37 upon stationary rails principally within incorporated cities and
38 towns;

1 (38) "Traffic." Pedestrians, ridden or herded animals, vehicles,
2 streetcars, and other conveyances either singly or together while
3 using any highways for purposes of travel;

4 (39) "Traffic control signal." Any traffic device, as herein
5 defined, whether manually, electrically, or mechanically operated, by
6 which traffic alternately is directed to stop or proceed or otherwise
7 controlled;

8 (40) "Traffic devices." All signs, signals, markings, and devices
9 not inconsistent with this title placed or erected by authority of a
10 public body or official having jurisdiction, for the purpose of
11 regulating, warning, or guiding traffic;

12 (41) "Train." A vehicle propelled by steam, electricity, or other
13 motive power with or without cars coupled thereto, operated upon
14 stationary rails, except street cars;

15 (42) "Vehicle." Every device capable of being moved upon a
16 highway and in, upon, or by which any person or property is or may be
17 transported or drawn upon a highway, excepting power wheelchairs, as
18 defined in RCW 46.04.415, or devices moved by human or animal power
19 or used exclusively upon stationary rails or tracks;(43)

20 "Structurally deficient." A state bridge that is classified as in
21 poor condition under the state bridge condition rating system and is
22 reported by the state to the national bridge inventory as having a
23 deck, superstructure, or substructure rating of four or below.
24 Structurally deficient bridges are characterized by deteriorated
25 conditions of significant bridge elements and potentially reduced
26 load carrying capacity. Bridges deemed structurally deficient
27 typically require significant maintenance and repair to remain in
28 service, and require major rehabilitation or replacement to address
29 the underlying deficiency.

30 Words and phrases used herein in the past, present, or future
31 tense shall include the past, present, and future tenses; words and
32 phrases used herein in the masculine, feminine, or neuter gender
33 shall include the masculine, feminine, and neuter genders; and words
34 and phrases used herein in the singular or plural shall include the
35 singular and plural; unless the context thereof shall indicate to the
36 contrary.

37 **Sec. 4.** RCW 47.28.170 and 2006 c 334 s 23 are each amended to
38 read as follows:

1 (1) Whenever the department finds that as a consequence of
2 accident, natural disaster, or other emergency, an existing state
3 highway is in jeopardy or is rendered impassible in one or both
4 directions and the department further finds that prompt
5 reconstruction, repair, or other work is needed to preserve or
6 restore the highway for public travel, or when the department is
7 preparing to conduct the repair or replacement of a state bridge
8 deemed structurally deficient, as defined in RCW 47.04.010, by the
9 department, the department may obtain at least three written bids for
10 the work without publishing a call for bids, and the secretary of
11 transportation may award a contract forthwith to the lowest
12 responsible bidder.

13 The department shall notify any association or organization of
14 contractors filing a request to regularly receive notification.
15 Notification to an association or organization of contractors shall
16 include: (a) The location of the work to be done; (b) the general
17 anticipated nature of the work to be done; and (c) the date
18 determined by the department as reasonable in view of the nature of
19 the work and emergent nature of the problem after which the
20 department will not receive bids.

21 (2) Whenever the department finds it necessary to protect a
22 highway facility from imminent damage or to perform emergency work to
23 reopen a highway facility, the department may contract for such work
24 on a negotiated basis not to exceed force account rates for a period
25 not to exceed thirty working days.

26 (3) The secretary shall review any contract exceeding seven
27 hundred thousand dollars awarded under subsection (1) or (2) of this
28 section with the office of financial management within thirty days of
29 the contract award.

30 (4) Any person, firm, or corporation awarded a contract for work
31 must be prequalified pursuant to RCW 47.28.070 and may be required to
32 furnish a bid deposit or performance bond.

33 (5) This section does not prevent the department from notifying
34 contractors, that are not otherwise notified pursuant to subsection
35 (1) of this section, of the availability of work that the department
36 intends to contract for under this section.

37 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

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