

# HOUSE BILL REPORT

## HB 1612

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### As Reported By House Committee On: Transportation Policy & Budget

**Title:** An act relating to construction of certain highway projects under a design-build procedure.

**Brief Description:** Designating and funding a highway project to be done under a design-build procedure.

**Sponsors:** Representatives Koster, O'Brien, Thompson, Dunshee, D. Schmidt, Kenney, Costa, Cooper, Backlund and Cole.

**Brief History:**

**Committee Activity:**

Transportation Policy & Budget: 2/25/97, 3/10/97 [DPS].

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### HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Blalock, Assistant Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; DeBolt; Hatfield; Johnson; O'Brien; Radcliff; Robertson; Scott; Skinner; Sterk and Zellinsky.

**Minority Report:** Without recommendation. Signed by 5 members: Representatives Fisher, Ranking Minority Member; Constantine; Gardner; Romero and Wood.

**Staff:** Vicki Fabre (786-7313).

**Background:** The portion of State Route (SR) 522 that is located in southern Snohomish County, beginning at the SR 522/SR 9 Interchange near Woodinville, Washington, to the Snohomish River Bridge, serves a major transportation role in the county. The facility has limited two-lane capability and handles more than 16,000 vehicles average daily traffic (ADT), which is projected to increase to 35,000 ADT by the year 2010. There is a significant accident and fatality rate associated with the facility's mobility and safety deficiencies.

The Department of Transportation (DOT) has identified major mobility and safety improvements to the corridor as a long-range but unfunded need. The department estimates that given current funding constraints, SR 522 improvements would not be completed until the year 2015. The final environmental impact statement (EIS) for widening SR 522 was issued in May 1994. To date the design and right of way acquisition for Stage 1 of the project (SR 9 to Paradise Lake Road) has been completed, making way for the construction of this segment. The DOT completed interim safety improvements (restriping and the installation of rumble strips and guideposts) during the 1995-97 biennium.

An SR 522 corridor improvement project in three phases is proposed under the Public-Private Initiatives in Transportation (PPI) program which was established in 1993 to test the feasibility of privately financed transportation improvements in Washington State. The SR 522 corridor improvements project is one of four remaining PPI projects, out of the original six projects selected by the DOT in 1994.

The 1996 Legislature limited funding for the PPI program for the 1995-97 biennium to only two of the four remaining PPI projects: the SR 16 corridor improvements and Metro/King County park and ride projects. The result of this action was to place the SR 522 corridor improvements proposed under the PPI program on hold. However, participation in the PPI program does not prohibit the DOT from making improvements if state funding is available.

The existing DOT construction contracting procedure requires the DOT to award the design phase prior to contracting for the construction phase. The DOT does not currently have authority to use the design-build method of contracting. Design-build authority would allow the DOT to establish the design criteria minimums, and then enter into a single contract with the design-build contractor. The contractual responsibility to the state for full performance of all phases of the contract would be vested in one entity, the design-build contractor. Proponents of the design-build method maintain that this procedure facilitates construction of capital projects in a manner that is more timely and efficient than awarding the design and construction contracts separately.

**Summary of Substitute Bill:** Legislative intent to use a contracting procedure that facilitates the construction of transportation systems in a more timely manner is declared. The DOT is directed to develop, by January 1, 1998, a process for awarding competitively bid highway projects under a design-build procedure. Minimum requirements for a design-build procedure are delineated. A one-project, design-build demonstration program is established that will be implemented under a contract to add additional lanes on the portion of SR 522 from Paradise Lake Road to the Snohomish River Bridge, including interchanges at Paradise Lake and Fales Road and Paradise Lake Road.

The bill appropriates \$7.9 million from the motor vehicle fund for the construction of additional lanes on that portion of SR 522 that has already been designed, from SR 9 to Paradise Lake Road.

The bill is null and void if funds are not appropriated in the 1997-99 transportation budget.

**Substitute Bill Compared to Original Bill:** The design-build contracting procedure is limited to only that segment of SR 522 planned improvements that has not yet been designed. Prior to letting a design-build contract, the DOT is directed to develop a process for implementing the SR 522 demonstration program.

The appropriation of \$7.9 million applies only to that segment of SR 522 that has been designed and is ready for construction.

A null and void clause is added.

**Appropriation:** \$7.9 million (Motor Vehicle Fund).

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Testimony For:** The high accident and fatality rate on SR 522 demands near-term facility improvements. Using the design-build method of contracting will result in facility improvements being completed in a more timely and efficient manner.

**Testimony Against:** None.

**Testified:** Jerry Dickson, Citizens Against Unfair Gouging Highway Tolls (CAUGHT); Mike Snowden, CAUGHT; Dan Foster, Monroe City Council; and Chris Clifford, CAUGHT.