

1 and innovative procedures for delivering these transportation projects,
2 is required to accomplish them on a timely basis that best serves the
3 public. It is the intent of sections 103 and 104 of this act that no
4 state employees will lose their employment as a result of implementing
5 new and innovative project delivery procedures.

6 NEW SECTION. **Sec. 102.** A new section is added to chapter 47.28
7 RCW to read as follows:

8 The definitions in this section apply throughout section 103 of
9 this act and RCW 41.06.380 unless the context clearly requires
10 otherwise.

11 (1) "Construction services" means those services that aid in the
12 delivery of the highway construction program and include, but are not
13 limited to, real estate services and construction engineering services.

14 (2) "Construction engineering services" include, but are not
15 limited to, construction management, construction administration,
16 materials testing, materials documentation, contractor payments and
17 general administration, construction oversight, and inspection and
18 surveying.

19 NEW SECTION. **Sec. 103.** A new section is added to chapter 47.28
20 RCW to read as follows:

21 (1) The department of transportation shall work with
22 representatives of transportation labor groups to develop a financial
23 incentive program to aid in retention and recruitment of employee
24 classifications where problems exist and program delivery is negatively
25 affected. The department's financial incentive program must be
26 reviewed and approved by the legislature before it can be implemented.
27 This program must support the goal of enhancing project delivery
28 timelines as outlined in section 101 of this act. Upon receiving
29 approval from the legislature, the department of personnel shall
30 implement, as required, specific aspects of the financial incentive
31 package, as developed by the department of transportation.

32 (2) Notwithstanding chapter 41.06 RCW, the department of
33 transportation may acquire services from qualified private firms in
34 order to deliver the transportation construction program to the public.
35 Services may be acquired solely for augmenting the department's
36 workforce capacity and only when the department's transportation

1 construction program cannot be delivered through its existing or
2 readily available workforce. The department of transportation shall
3 work with representatives of transportation labor groups to develop and
4 implement a program identifying those projects requiring contracted
5 services while establishing a program as defined in subsection (1) of
6 this section to provide the classified personnel necessary to deliver
7 future construction programs. The procedures for acquiring
8 construction engineering services from private firms may not be used to
9 displace existing state employees nor diminish the number of existing
10 classified positions in the present construction program. The
11 acquisition procedures must be in accordance with chapter 39.80 RCW.

12 (3) Starting in December 2004, and biennially thereafter, the
13 secretary shall report to the transportation committees of the
14 legislature on the use of construction engineering services from
15 private firms authorized under this section. The information provided
16 to the committees must include an assessment of the benefits and costs
17 associated with using construction engineering services, or other
18 services, from private firms, and a comparison of public versus private
19 sector costs. The secretary may act on these findings to ensure the
20 most cost-effective means of service delivery.

21 **Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
22 to read as follows:

23 (1) Nothing contained in this chapter shall prohibit any
24 department, as defined in RCW 41.06.020, from purchasing services by
25 contract with individuals or business entities if such services were
26 regularly purchased by valid contract by such department prior to April
27 23, 1979: PROVIDED, That no such contract may be executed or renewed
28 if it would have the effect of terminating classified employees or
29 classified employee positions existing at the time of the execution or
30 renewal of the contract.

31 (2) Nothing contained in this chapter prohibits the department of
32 transportation from purchasing construction services or construction
33 engineering services, as those terms are defined in section 102 of this
34 act, by contract from qualified private businesses as specified in
35 section 103(2) of this act.

PART II

APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

NEW SECTION. **Sec. 201.** (1) The legislature finds that a skilled technical workforce is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a workforce that is insufficiently skilled to operate the transportation system at its highest level. Sections 201 through 208 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.

(4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department of labor and industries shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 201 through 208 of this act;

(d) Maintain a timely processing of intents and affidavits, with a

1 target processing time no greater than seven working days from receipt
2 of completed forms;

3 (e) Develop and implement electronic processing of intents and
4 affidavits and promote the efficient and effective use of technology to
5 improve the services provided by the prevailing wage program.

6 NEW SECTION. **Sec. 202.** A new section is added to chapter 49.04
7 RCW to read as follows:

8 The apprenticeship council shall work with the department of
9 transportation, local transportation jurisdictions, local and statewide
10 joint apprenticeships, other apprenticeship programs, representatives
11 of labor and business organizations with interest and expertise in the
12 transportation workforce, and representatives of the state's
13 universities and community and vocational colleges to establish
14 technical apprenticeship opportunities specific to the needs of
15 transportation. The council shall issue a report of findings and
16 recommendations to the transportation committees of the legislature by
17 December 1, 2003. The report must include, but not be limited to,
18 findings and recommendations regarding the establishment of
19 transportation technical training programs within the community and
20 vocational college system and in the state universities.

21 NEW SECTION. **Sec. 203.** A new section is added to chapter 47.01
22 RCW to read as follows:

23 The department of transportation shall work with local
24 transportation jurisdictions and representatives of transportation
25 labor groups to establish a human resources skills bank of
26 transportation professionals. The skills bank must be designed to
27 allow all transportation authorities to draw from it when needed. The
28 department shall issue a report of findings and recommendations to the
29 transportation committees of the legislature by December 1, 2003. The
30 report must include, but not be limited to, identification of any
31 statutory or administrative rule changes necessary to create the skills
32 bank and allow it to function in the manner described.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 47.06
34 RCW to read as follows:

1 The state interest component of the statewide multimodal
2 transportation plan must include a plan for enhancing the skills of the
3 existing technical transportation workforce.

4 NEW SECTION. **Sec. 205.** The department of labor and industries, in
5 cooperation with the department of transportation, shall conduct an
6 assessment of the current practices, including survey techniques, used
7 in setting prevailing wages for those trades related to transportation
8 facilities and transportation project delivery. The assessment must
9 include an analysis of regional variations and stratified random
10 sampling survey methods. A final report must be submitted to the
11 governor and the transportation and labor committees of the senate and
12 house of representatives by July 1, 2003.

13 NEW SECTION. **Sec. 206.** A new section is added to chapter 39.12
14 RCW to read as follows:

15 (1) In establishing the prevailing rate of wage under RCW
16 39.12.010, 39.12.015, and 39.12.020, all data collected by the
17 department may be used only in the county for which the work was
18 performed.

19 (2) This section applies only to prevailing wage surveys initiated
20 on or after August 1, 2003.

21 **Sec. 207.** RCW 39.12.070 and 1993 c 404 s 1 are each amended to
22 read as follows:

23 The department of labor and industries may charge fees to awarding
24 agencies on public works for the approval of statements of intent to
25 pay prevailing wages and the certification of affidavits of wages paid.
26 The department may also charge fees to persons or organizations
27 requesting the arbitration of disputes under RCW 39.12.060. The amount
28 of the fees shall be established by rules adopted by the department
29 under the procedures in the administrative procedure act, chapter 34.05
30 RCW. The fees shall apply to all approvals, certifications, and
31 arbitration requests made after the effective date of the rules. All
32 fees shall be deposited in the public works administration account.
33 ~~((On the fifteenth day of the first month of each quarterly period, an
34 amount equalling thirty percent of the revenues received into the
35 public works administration account shall be transferred into the~~

1 ~~general fund.~~) The department may refuse to arbitrate for
2 contractors, subcontractors, persons, or organizations which have not
3 paid the proper fees. The department may, if necessary, request the
4 attorney general to take legal action to collect delinquent fees.

5 The department shall set the fees permitted by this section at a
6 level that generates revenue that is as near as practicable to the
7 amount of the appropriation to administer this chapter, including, but
8 not limited to, the performance of adequate wage surveys, and to
9 investigate and enforce all alleged violations of this chapter,
10 including, but not limited to, incorrect statements of intent to pay
11 prevailing wage, incorrect certificates of affidavits of wages paid,
12 and wage claims, as provided for in this chapter and chapters 49.48 and
13 49.52 RCW. However, the fees charged for the approval of statements of
14 intent to pay prevailing wages and the certification of affidavits of
15 wages paid shall be no greater than twenty-five dollars.

16 **Sec. 208.** RCW 39.12.080 and 2001 c 219 s 3 are each amended to
17 read as follows:

18 The public works administration account is created in the state
19 treasury. The department of labor and industries shall deposit in the
20 account all moneys received from fees or civil penalties collected
21 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the
22 account(~~(, not including moneys transferred to the general fund~~
23 ~~pursuant to RCW 39.12.070,))~~ may be made only for the purposes of
24 administration of this chapter, including, but not limited to, the
25 performance of adequate wage surveys, and for the investigation and
26 enforcement of all alleged violations of this chapter as provided for
27 in this chapter and chapters 49.48 and 49.52 RCW.

28 NEW SECTION. **Sec. 209.** The sum of one million nine hundred
29 thousand dollars, or as much thereof as may be necessary, is
30 appropriated from the public works administration account to the
31 department of labor and industries for the biennium ending June 30,
32 2005, to carry out the purposes of sections 206 through 208 of this
33 act.

34 **PART III**

1 entity. The plan must inventory all transportation system assets
2 within the direction and control of the county, and provide a
3 preservation plan based on lowest life cycle cost methodologies.

4 NEW SECTION. **Sec. 304.** A new section is added to chapter 36.57A
5 RCW to read as follows:

6 As a condition of receiving state funding, a public transportation
7 benefit area authority shall submit a maintenance and preservation
8 management plan for certification by the transportation commission or
9 its successor entity. The plan must inventory all transportation
10 system assets within the direction and control of the authority, and
11 provide a preservation plan based on lowest life cycle cost
12 methodologies.

13 NEW SECTION. **Sec. 305.** A new section is added to chapter 46.68
14 RCW to read as follows:

15 During the 2003-2005 biennium, cities and towns shall provide to
16 the transportation commission, or its successor entity, preservation
17 rating information on at least seventy percent of the total city and
18 town arterial network. Thereafter, the preservation rating information
19 requirement shall increase in five percent increments in subsequent
20 biennia. The rating system used by cities and towns must be based upon
21 the Washington state pavement rating method or an equivalent standard
22 approved by the transportation commission or its successor entity.

23 NEW SECTION. **Sec. 306.** A new section is added to chapter 81.112
24 RCW to read as follows:

25 As a condition of receiving state funding, a regional transit
26 authority shall submit a maintenance and preservation management plan
27 for certification by the transportation commission or its successor
28 entity. The plan must inventory all transportation system assets
29 within the direction and control of the transit authority, and provide
30 a plan for preservation of assets based on lowest life cycle cost
31 methodologies.

32 NEW SECTION. **Sec. 307.** A new section is added to chapter 36.78
33 RCW to read as follows:

34 The county road administration board, or its successor entity,

1 shall establish a standard of good practice for maintenance of
2 transportation system assets. This standard must be implemented by all
3 counties no later than December 31, 2007. The board shall develop a
4 model maintenance management system for use by counties. The board
5 shall develop rules to assist the counties in the implementation of
6 this system. Counties shall annually submit their maintenance plans to
7 the board. The board shall compile the county data regarding
8 maintenance management and annually submit it to the transportation
9 commission or its successor entity.

10 NEW SECTION. **Sec. 308.** Part headings used in this act are not
11 part of the law.

12 NEW SECTION. **Sec. 309.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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