

# SENATE BILL REPORT

## HB 2271

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As Reported by Senate Committee On:  
Transportation, March 1, 2010

**Title:** An act relating to work performed by state forces on ferry vessels or terminals.

**Brief Description:** Authorizing state forces to perform work on ferry vessels or terminals when estimated costs are less than one hundred twenty thousand dollars.

**Sponsors:** Representatives Lias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist and Simpson; by request of Department of Transportation.

**Brief History:** Passed House: 3/11/09, 94-2; 2/10/10, 62-34.

**Committee Activity:** Transportation: 2/18/10, 3/01/10 [DPA, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Berkey, Eide, Hatfield, Jacobsen, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Becker and Delvin.

**Staff:** Janice Baumgardt (786-7319)

**Background:** Beginning in 2006 the Joint Transportation Committee (JTC) has conducted a study of the Washington State Ferries (WSF). Since then many of the recommendations resulting from the study have been implemented through statutes or transportation budgets.

Capital funding requests must adhere to a long-range, strategic plan that chooses the most efficient balance between capital and operating investments. Pre-design studies are required for terminal projects.

State highways may be constructed, altered, repaired, or improved by state work forces or by contractors. The work may be done by state work forces when estimated costs are less than \$60,000.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Amendments):** The Legislature intends this bill, as well as the 2009 transportation budget, to implement recommendations from the JTC ferry study and other changes, to make WSF more efficient.

Funding requests for vessel preservation, acquisition, and improvement projects are subject to the same requirements as terminal projects, as well as some additional pre-design study requirements aimed at ensuring that alternatives are explored and the most cost effective alternative is selected.

The dollar threshold for state work forces working on ferry vessels or terminals is increased to \$75,000 for Fiscal Year 2011. WSF must have an independent analysis to identify methods of reducing out-of-service vessel time to the greatest extent possible. WSF must propose a vessel maintenance, preservation, and improvement program that improves the basis for projecting future costs, limits the amount of planned out-of-service vessel time to the greatest extent possible, and is based on the service plan in the capital plan.

Except for certain very specific exemptions, WSF may not provide free passage on its ferry vessels to employees, former employees, and their families.

The Governor may not submit funding requests to the Legislature for arbitration awards unless the director of OFM has certified that they are financially feasible.

The arbitration default for WSF unions is brought into line with other state employee unions and is no longer baseball style. Alaska is no longer a required comparison for arbitration purposes. Additional factors that must be considered by the arbitrator are added.

WSF is directed to develop performance measures and report its recommendations to OFM and the Legislature in 2011. These measures must include on-time performance by run and the number of passengers affected. These statistics must be prominently displayed on vessels, in terminals, and on the agency's website.

WSF is directed to post signs informing passengers that assaults on state employees will be prosecuted to the full extent of the law. WSF must investigate the frequency, severity, and prosecutorial results of assaults on WSF employees and, if appropriate, make recommendations to the transportation committees of the Senate and House of Representatives during the 2011 Legislative Session. This section expires June 30, 2011.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments As Passed Committee):** The striking amendment that was originally heard in committee increased the dollar threshold for state work forces working on ferry vessels or terminals to \$100,000 and required a report on steps taken to reduce vessel out-of-service time.

The striking amendment that passed out of committee added: (1) the arbitration changes; (2) an emergency clause; (3) language prohibited free ferry passage for current and former ferry

employees and their families; and (4) language directing OFM to certify arbitration awards as financially feasible before they are requested in budget proposals.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony on Proposed Amendments As Heard in Committee:**

**PRO:** This requested legislation is the result of a management-labor process and should therefore be rewarded. This will allow work that was traditionally performed by WSF workers to continue to be performed by WSF.

**CON:** Washington State law presumes that the private sector will do this type of work and this bill will take that work away from small business owners as well as minority and women's business enterprises. If WSF employees aren't busy enough, perhaps it is that they are over-staffed.

**OTHER:** There are cost implications with the additional requirements (other than the Eagle Harbor issue).

**Persons Testifying:** **PRO:** Representative Liias, prime sponsor.

**CON:** Larry Stevens, Mechanical Contractors Association of Western Washington, National Electrical Contractors Association.

**OTHER:** David Moseley, WSF, Washington State Department of Transportation.