

# SENATE BILL REPORT

## SB 5444

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As Reported by Senate Committee On:  
Transportation, February 8, 2011

**Title:** An act relating to the construction of a state boundary bridge.

**Brief Description:** Concerning the construction of a state boundary bridge.

**Sponsors:** Senators Conway and Haugen.

**Brief History:**

**Committee Activity:** Transportation: 1/31/11, 2/08/11 [DP, DNP, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; Eide, Hobbs, Nelson, Prentice, Ranker, Sheldon and Shin.

**Minority Report:** Do not pass.

Signed by Senator Ericksen.

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

Signed by Senators King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Hill and Swecker.

**Staff:** Hayley Gamble (786-7452)

**Background:** Washington state has 11 bridges that form part of the boundary with adjoining states. Of these bridges, nine are partly owned or operated by the Department of Transportation (DOT) and eight of these cross over a river. DOT currently does not operate or own any tolled bridges that form a boundary with Washington and another state. However, DOT is currently planning for the replacement of the I-5 bridge that serves as part of the boundary from Washington into Oregon, over the Columbia river. Past legislation has directed DOT to consider tolls as part of the financing plan for this project. The main construction material for the bridge (steel or concrete) has not yet been selected, but either option would contain a substantial amount of steel.

Buy America requirements, which require a recipient of most forms of federal highway funding to use predominantly American made steel, are anticipated to apply to the I-5 bridge

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replacement project. Federal requirements also typically include fair bidding practice requirements that would preclude DOT from giving preference to a contractor that uses materials from a particular source, such as steel manufactured within the state.

Washington and Oregon both currently have multiple manufacturers of steel.

**Summary of Bill:** If funding allows, DOT must issue a request for proposals for construction of a state boundary bridge that would firstly, require a contractor to comply with various existing regulations, including worker health and safety, apprenticeship utilization and prevailing wages; and secondly seek to use steel parts fabricated in Washington or the adjoining state, unless this would jeopardize federal funding. When seeking to use steel parts manufactured in Washington or an adjoining state the DOT should also consider the ability to use recycled materials, proximity of fabrication plants to the project, and transportation issues.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is an extremely important bill given the economic times we are facing. The Columbia River Crossing Project is very important to the Pacific Northwest. There are world class bridge builders here and they should be given the opportunity to be involved in the project. Other large projects have been built in the Pacific Northwest, and the steel has come from overseas. We need to secure more steel jobs in Washington. Washington has the resources to supply more steel.

CON: DOT opposes this bill. There are federal funds on the Columbia River Crossing triggering Buy America requirements. The restrictions in the bill to buy steel in Washington or the adjoining state could not be applied to a project using federal funds. The Association of General Contractors (AGC) has always been against preferential language against other states, as it encourages additional, retaliatory restrictions in other states. We do support job creation and local steel fabricators.

**Persons Testifying:** PRO: Senator Conway, prime sponsor; Rick Jensen, Ron Piksa, Iron Workers District Council; David Johnson, Washington State Building & Construction Trades Council; Bob Abbott, Laborers District Council.

CON: Duke Schaub, AGC; Jeff Carpenter, DOT.