
SENATE BILL 6331

State of Washington

62nd Legislature

2012 Regular Session

By Senators Conway, Chase, Benton, Rolfes, Nelson, Kohl-Welles, Hobbs, Harper, and Kline

Read first time 01/18/12. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing public transit agencies to provide
2 a bidding preference to bidders who exceed "Buy America" requirements
3 applicable to federally funded transit projects; adding a new section
4 to chapter 47.04 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares the
7 following:

8 (1) American manufacturing has been declining over the past several
9 years with jobs going overseas due to tax and other policies, with
10 predictable economic consequences. The federal "Buy America" laws were
11 passed as one means to address this concern.

12 (2) Public transit agencies in the state and nation continue to
13 provide critical transportation services to citizens and remain
14 critical components for state and national goals to alleviate highway
15 gridlock, air pollution, and greenhouse gas emissions.

16 (3) Funding for public transit has continued to decline in
17 difficult economic times, and it remains difficult to keep public
18 transit systems in good repair, including maintaining and replacing
19 rail vehicles.

1 (4) Federal "Buy America" laws applicable to rolling stock,
2 including rail vehicles, require that the cost of components and
3 subcomponents produced in the United States total at least sixty
4 percent of the cost of all components in the rolling stock, and that
5 final assembly of the rolling stock occur in the United States.

6 (5) Federal "Buy America" regulations allow states to impose
7 contracting preference provisions based on more stringent domestic
8 content requirements than those set forth in the federal law, but the
9 federal transit administration will not participate in the funding of
10 state and local contracts with those preference provisions if they are
11 not specifically set out under state law. The state of Washington
12 currently has no such preference law.

13 (6) It is in the best interest of the state of Washington, as well
14 as the manufacturers across the nation, to authorize public transit
15 agencies to give preferences to bidders on rolling stock contracts that
16 provide domestic content above the minimum requirements set forth in
17 federal "Buy America" laws. Each public transit agency should have the
18 discretion to apply those preferences.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.04 RCW
20 to read as follows:

21 In accordance with 49 C.F.R. Sec. 661.21, any public transit
22 agency, relative to the use of federal funds for transit purposes, may
23 provide a bidding preference to a bidder if the bidder exceeds buy
24 America requirements applicable to federally funded transit projects.
25 Each public transit agency may apply those preferences.

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