

SHB 2762 - H AMD 855

By Representative Zeiger

ADOPTED 03/04/2014

1 On page 86, after line 16, insert the following:

2 "NEW SECTION. **Sec. 710.** A new section is added to chapter 43.21C  
3 RCW to read as follows:

4 During the 2013-2015 fiscal biennium, the repair or replacement of  
5 a state bridge deemed structurally deficient, as defined in RCW  
6 47.04.010, is exempt from compliance with this chapter as long as the  
7 action occurs within the existing right-of- way, except that the  
8 repair or replacement may occur outside the existing right-of-way as  
9 needed to meet current engineering standards or state or local  
10 environmental permit requirements for highway construction as long as  
11 the repair or replacement does not result in additional lanes for  
12 automobiles. The issuance of applicable state and local agency  
13 permits or approvals associated with the repair or replacement of such  
14 bridges is also included in this exemption from compliance with this  
15 chapter.

16  
17 **Sec. 711.** RCW 47.04.010 and 2003 c 244 s 2 and 2003 c 141 s 8 are  
18 each reenacted and amended to read as follows:

19 The following words and phrases, wherever used in this title,  
20 shall have the meaning as in this section ascribed to them, unless  
21 where used the context thereof shall clearly indicate to the contrary  
22 or unless otherwise defined in the chapter of which they are a part:

23 (1) "Alley." A highway within the ordinary meaning of alley not  
24 designated for general travel and primarily used as a means of access  
25 to the rear of residences and business establishments;

26 (2) "Arterial highway." Every highway, as herein defined, or  
27 portion thereof designated as such by proper authority;

1 (3) "Business district." The territory contiguous to and  
2 including a highway, as herein defined, when within any six hundred  
3 feet along such highway there are buildings in use for business or  
4 industrial purposes, including but not limited to hotels, banks, or  
5 office buildings, railroad stations, and public buildings which occupy  
6 at least three hundred feet of frontage on one side or three hundred  
7 feet collectively on both sides of the highway;

8 (4) "Center line." The line, marked or unmarked parallel to and  
9 equidistant from the sides of a two-way traffic roadway of a highway  
10 except where otherwise indicated by painted lines or markers;

11 (5) "Center of intersection." The point of intersection of the  
12 center lines of the roadways of intersecting highways;

13 (6) "City street." Every highway as herein defined, or part  
14 thereof located within the limits of incorporated cities and towns,  
15 except alleys;

16 (7) "Combination of vehicles." Every combination of motor vehicle  
17 and motor vehicle, motor vehicle and trailer, or motor vehicle and  
18 semitrailer;

19 (8) "Commercial vehicle." Any vehicle the principal use of which  
20 is the transportation of commodities, merchandise, produce, freight,  
21 animals, or passengers for hire;

22 (9) "County road." Every highway as herein defined, or part  
23 thereof, outside the limits of incorporated cities and towns and which  
24 has not been designated as a state highway, or branch thereof;

25 (10) "Crosswalk." The portion of the roadway between the  
26 intersection area and a prolongation or connection of the farthest  
27 sidewalk line or in the event there are no sidewalks then between the  
28 intersection area and a line ten feet therefrom, except as modified by  
29 a marked crosswalk;

30 (11) "Highway." Every way, lane, road, street, boulevard, and  
31 every way or place in the state of Washington open as a matter of  
32 right to public vehicular travel both inside and outside the limits of  
33 incorporated cities and towns;

34

1 (12) "Intersection area." (a) The area embraced within the  
2 prolongation or connection of the lateral curb lines, or, if none,  
3 then the lateral boundary lines of the roadways of two or more  
4 highways which join one another at, or approximately at, right angles,  
5 or the area within which vehicles traveling upon different highways  
6 joining at any other angle may come in conflict;

7 (b) Where a highway includes two roadways thirty feet or more  
8 apart, then every crossing of each roadway of such divided highway by  
9 an intersecting highway shall be regarded as a separate intersection.  
10 In the event such intersecting highway also includes two roadways  
11 thirty feet or more apart, then every crossing of two roadways of such  
12 highways shall be regarded as a separate intersection;

13 (c) The junction of an alley with a street or highway shall not  
14 constitute an intersection;

15 (13) "Intersection control area." The intersection area as herein  
16 defined, together with such modification of the adjacent roadway area  
17 as results from the arc or curb corners and together with any marked  
18 or unmarked crosswalks adjacent to the intersection;

19 (14) "Laned highway." A highway the roadway of which is divided  
20 into clearly marked lanes for vehicular traffic;

21 (15) "Local authorities." Every county, municipal, or other local  
22 public board or body having authority to adopt local police  
23 regulations under the Constitution and laws of this state;

24 (16) "Marked crosswalk." Any portion of a roadway distinctly  
25 indicated for pedestrian crossing by lines or other markings on the  
26 surface thereof;

27 (17) "Metal tire." Every tire, the bearing surface of which in  
28 contact with the highway is wholly or partly of metal or other hard,  
29 nonresilient material;

30 (18) "Motor truck." Any motor vehicle, as herein defined,  
31 designed or used for the transportation of commodities, merchandise,  
32 produce, freight, or animals;

33 (19) "Motor vehicle." Every vehicle, as herein defined, which is  
34 in itself a self-propelled unit;

1 (20) "Multiple lane highway." Any highway the roadway of which is  
2 of sufficient width to reasonably accommodate two or more separate  
3 lanes of vehicular traffic in the same direction, each lane of which  
4 shall be not less than the maximum legal vehicle width, and whether or  
5 not such lanes are marked;

6 (21) "Operator." Every person who drives or is in actual physical  
7 control of a vehicle as herein defined;

8 (22) "Peace officer." Any officer authorized by law to execute  
9 criminal process or to make arrests for the violation of the statutes  
10 generally or of any particular statute or statutes relative to the  
11 highways of this state;

12 (23) "Pedestrian." Any person afoot or who is using a wheelchair,  
13 power wheelchair as defined in RCW 46.04.415, or a means of conveyance  
14 propelled by human power other than a bicycle;

15 (24) "Person." Every natural person, firm, copartnership,  
16 corporation, association, or organization;

17 (25) "Personal wireless service." Any federally licensed personal  
18 wireless service;

19 (26) "Personal wireless service facilities." Unstaffed facilities  
20 that are used for the transmission or reception, or both, of personal  
21 wireless services including, but not necessarily limited to, antenna  
22 arrays, transmission cables, equipment shelters, and support  
23 structures;

24 (27) "Pneumatic tires." Every tire of rubber or other resilient  
25 material designed to be inflated with compressed air to support the  
26 load thereon;

27 (28) "Private road or driveway." Every way or place in private  
28 ownership and used for travel of vehicles by the owner or those having  
29 express or implied permission from the owner, but not by other  
30 persons;

31 (29) "Railroad." A carrier of persons or property upon vehicles,  
32 other than streetcars, operated upon stationary rails, the route of  
33 which is principally outside incorporated cities and towns;

34

1 (30) "Railroad sign or signal." Any sign, signal, or device  
2 erected by authority of a public body or official or by a railroad and  
3 intended to give notice of the presence of railroad tracks or the  
4 approach of a railroad train;

5 (31) "Residence district." The territory contiguous to and  
6 including the highway, as herein defined, not comprising a business  
7 district, as herein defined, when the property on such highway for a  
8 continuous distance of three hundred feet or more on either side  
9 thereof is in the main improved with residences or residences and  
10 buildings in use for business;

11 (32) "Roadway." The paved, improved, or proper driving portion of  
12 a highway designed, or ordinarily used for vehicular travel;

13 (33) "Safety zone." The area or space officially set apart within  
14 a roadway for the exclusive use of pedestrians and which is protected  
15 or is marked or indicated by painted marks, signs, buttons, standards,  
16 or otherwise so as to be plainly discernible;

17 (34) "Sidewalk." That property between the curb lines or the  
18 lateral lines of a roadway, as herein defined, and the adjacent  
19 property, set aside and intended for the use of pedestrians or such  
20 portion of private property parallel and in proximity to a highway and  
21 dedicated to use by pedestrians;

22 (35) "Solid tire." Every tire of rubber or other resilient  
23 material which does not depend upon inflation with compressed air for  
24 the support of the load thereon;

25 (36) "State highway." Every highway as herein defined, or part  
26 thereof, which has been designated as a state highway, or branch  
27 thereof, by legislative enactment;

28 (37) "Streetcar." A vehicle other than a train, as herein  
29 defined, for the transporting of persons or property and operated upon  
30 stationary rails principally within incorporated cities and towns;

31 (38) "Traffic." Pedestrians, ridden or herded animals, vehicles,  
32 streetcars, and other conveyances either singly or together while  
33 using any highways for purposes of travel;

34

1 (39) "Traffic control signal." Any traffic device, as herein  
2 defined, whether manually, electrically, or mechanically operated, by  
3 which traffic alternately is directed to stop or proceed or otherwise  
4 controlled;

5 (40) "Traffic devices." All signs, signals, markings, and devices  
6 not inconsistent with this title placed or erected by authority of a  
7 public body or official having jurisdiction, for the purpose of  
8 regulating, warning, or guiding traffic;

9 (41) "Train." A vehicle propelled by steam, electricity, or other  
10 motive power with or without cars coupled thereto, operated upon  
11 stationary rails, except street cars;

12 (42) "Vehicle." Every device capable of being moved upon a  
13 highway and in, upon, or by which any person or property is or may be  
14 transported or drawn upon a highway, excepting power wheelchairs, as  
15 defined in RCW 46.04.415, or devices moved by human or animal power or  
16 used exclusively upon stationary rails or tracks;

17 (43) During the 2013-2015 fiscal biennium, "Structurally  
18 deficient" means a state bridge that is classified as in poor  
19 condition under the state bridge condition rating system and is  
20 reported by the state to the national bridge inventory as having a  
21 deck, superstructure, or substructure rating of four or below.  
22 Structurally deficient bridges are characterized by deteriorated  
23 conditions of significant bridge elements and potentially reduced load  
24 carrying capacity. Bridges deemed structurally deficient typically  
25 require significant maintenance and repair to remain in service, and  
26 require major rehabilitation or replacement to address the underlying  
27 deficiency.

28 Words and phrases used herein in the past, present, or future  
29 tense shall include the past, present, and future tenses; words and  
30 phrases used herein in the masculine, feminine, or neuter gender shall  
31 include the masculine, feminine, and neuter genders; and words and  
32 phrases used herein in the singular or plural shall include the  
33 singular and plural; unless the context thereof shall indicate to the  
34 contrary.

1       **Sec. 712.** RCW 47.28.170 and 2006 c 334 s 23 are each amended to  
2 read as follows:

3       (1) Whenever the department finds that as a consequence of  
4 accident, natural disaster, or other emergency, an existing state  
5 highway is in jeopardy or is rendered impassible in one or both  
6 directions and the department further finds that prompt  
7 reconstruction, repair, or other work is needed to preserve or restore  
8 the highway for public travel, or when, during the 2013-2015 fiscal  
9 biennium, the department is preparing to conduct the repair or  
10 replacement of a state bridge deemed structurally deficient, as  
11 defined in RCW 47.04.010, by the department, the department may obtain  
12 at least three written bids for the work without publishing a call for  
13 bids, and the secretary of transportation may award a contract  
14 forthwith to the lowest responsible bidder.

15       The department shall notify any association or organization of  
16 contractors filing a request to regularly receive notification.  
17 Notification to an association or organization of contractors shall  
18 include: (a) The location of the work to be done; (b) the general  
19 anticipated nature of the work to be done; and (c) the date determined  
20 by the department as reasonable in view of the nature of the work and  
21 emergent nature of the problem after which the department will not  
22 receive bids.

23       (2) Whenever the department finds it necessary to protect a  
24 highway facility from imminent damage or to perform emergency work to  
25 reopen a highway facility, the department may contract for such work  
26 on a negotiated basis not to exceed force account rates for a period  
27 not to exceed thirty working days.

28       (3) The secretary shall review any contract exceeding seven  
29 hundred thousand dollars awarded under subsection (1) or (2) of this  
30 section with the office of financial management within thirty days of  
31 the contract award.

32       (4) Any person, firm, or corporation awarded a contract for work  
33 must be prequalified pursuant to RCW 47.28.070 and may be required to  
34 furnish a bid deposit or performance bond.

1       (5) During the 2013-2015 fiscal biennium, this section does not  
2 prevent the department from notifying contractors, that are not  
3 otherwise notified pursuant to subsection (1) of this section, of the  
4 availability of work that the department intends to contract for under  
5 this section."

6  
7       Renumber the remaining sections consecutively and correct any  
8 internal references accordingly. Correct the title.

o

EFFECT: During the 2013-2015 fiscal biennium: (1) Exempts the repair or replacement of structurally deficient bridges, within certain parameters, from the State Environmental Policy Act; (2) Defines structurally deficient as a state bridge that is rated as poor under the state bridge condition rating system and is reported to the national bridge inventory system as having a rating below four in certain areas; and (3) Includes the repair or replacement of a structurally deficient bridge in the circumstances when the Washington State Department of Transportation may use its emergency contracting procedures.

FISCAL IMPACT: No net change to appropriated levels.

--- END ---