
SUBSTITUTE HOUSE BILL 1957

State of Washington

63rd Legislature

2013 Regular Session

By House Transportation (originally sponsored by Representatives Clibborn, Liias, Moscoso, and Fey)

READ FIRST TIME 04/09/13.

1 AN ACT Relating to department of transportation project delivery;
2 amending RCW 47.01.300; adding a new section to chapter 47.04 RCW;
3 adding a new section to chapter 47.01 RCW; and providing a contingent
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
7 to read as follows:

8 (1) The legislature intends the department to deliver the projects
9 and activities listed in LEAP Transportation Document 2013-1, as
10 developed March 2013, as funded by new revenues provided in
11 chapter . . . (House Bill No. 1954), Laws of 2013, and for which
12 appropriations of such funds are provided every two years in the
13 omnibus transportation appropriations act, in a manner that exemplifies
14 the stewardship goal in RCW 47.04.280.

15 (2) To allow the department the flexibility to deliver the projects
16 in the most expeditious and efficient manner, while at the same time
17 honoring the intent of the legislature under chapter . . . (House Bill
18 No. 1954), Laws of 2013, the department's stewardship in delivering the

1 projects and activities under this section is subject to the following
2 limitations:

3 (a) The department must allocate funding to projects in a manner
4 that optimizes efficient management of project spending and delivery.
5 If the most recent engineer's estimate of a project cost differs from
6 the most recent project budget approved by the legislature by ten
7 percent or two hundred fifty thousand dollars, whichever is greater,
8 the department must seek approval before proceeding as provided in this
9 subsection (2).

10 (b) The legislative scope of a project may not be changed to a
11 material degree except:

12 (i) By the legislature; or

13 (ii) When a more efficient, less expensive, or more expeditious
14 scope would provide an equivalent functional outcome. If such an
15 alternative scope is identified, the department must seek approval
16 before proceeding as provided in this subsection (2).

17 (c)(i) To the extent possible within budgetary and financial
18 planning constraints, the department must adhere to the capital
19 delivery plan schedule adopted by the legislature and as referenced in
20 the LEAP transportation document identified in subsection (1) of this
21 section.

22 (ii) If adherence to the original capital delivery plan schedule
23 would result in failure to substantively meet the stewardship,
24 efficiency, and expediency objectives of this section, the department
25 may seek approval of reasonable changes in project scheduling so as to
26 meet the objectives as provided in this subsection (2).

27 (d) To seek approval of project changes under this subsection (2),
28 the department must submit a request to the office of financial
29 management. At the time the department submits a request to transfer
30 funds under this section, a copy of the request must be submitted to
31 the transportation committees of the legislature. The office of
32 financial management must work with legislative staff of the house of
33 representatives and senate transportation committees to review the
34 requested transfers in a timely manner.

35 (e) The department must develop by the end of each calendar quarter
36 a report with updates of any changes under (a), (b), or (c) of this
37 subsection. The report must be submitted to the office of financial
38 management and the transportation committees of the legislature.

1 (3) The legislature intends for the department to utilize a design-
2 build or similar alternative public works contracting procedure
3 whenever appropriate in highway construction, ferry vessel, or ferry
4 terminal construction contracts on projects and activities under this
5 section.

6 (4) For the delivery of projects and activities under this section,
7 the legislature intends for the department to develop a management
8 approach that minimizes the need to add additional permanent
9 engineering staff and other permanent professional staff in the highway
10 construction and ferry vessel and terminal construction programs. The
11 baseline for staffing levels should be:

12 (a) For highway construction, the full-time equivalent level for
13 such positions outlined by the secretary in the business plan for the
14 department at the end of fiscal year 2015; and

15 (b) For the ferry vessel and terminal construction program, the
16 full-time equivalent level for such positions at the end of fiscal year
17 2012.

18 (5)(a) In January of each year that precedes the next fiscal
19 biennium, beginning January 1, 2015, the department must submit a
20 report to the governor and to the transportation committees of the
21 legislature on progress made toward the delivery of all projects and
22 activities subject to this section.

23 (b) The secretary must certify to the governor and the legislature
24 the completion of the project package identified in the LEAP
25 transportation document identified in subsection (1) of this section,
26 or the most recent version approved by the legislature or the office of
27 financial management under subsection (2)(d) of this section, on the
28 date that the delivery of the projects and activities subject to this
29 section is substantively complete.

30 (6) The changes for which the department may seek approval under
31 subsection (2)(a), (b), or (c) of this section are changes to the cost,
32 scope, or schedule of a project relative to the cost, scope, or
33 schedule of the project in the LEAP transportation document identified
34 in subsection (1) of this section or the most recent version approved
35 by the legislature or the office of financial management under
36 subsection (2)(d) of this section.

37 (7) This section expires June 30, 2023, or the date the secretary
38 certifies that the delivery of the projects and activities listed in

1 the LEAP transportation document identified in subsection (1) of this
2 section, or the most recent version approved by the legislature or the
3 office of financial management under subsection (2)(d) of this section,
4 is substantively complete, whichever is later.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW
6 to read as follows:

7 (1) The department must convene three expert review panels of no
8 more than three members to provide independent financial and technical
9 review for the development of a finance plan and project implementation
10 plan for the Columbia river crossing project, the state route number
11 520 bridge replacement and HOV project, and the Alaskan Way viaduct
12 replacement project.

13 (2) The expert review panels must be selected cooperatively by the
14 chairs of the senate and house of representatives transportation
15 committees, the secretary of transportation, and the governor.

16 (3) The expert review panels must, with respect to completion of
17 the project alternatives as described in the draft environmental impact
18 statement of each project:

19 (a) Review the finance plan for the project to ensure that it
20 clearly identifies secured and anticipated funding sources and is
21 feasible and sufficient; and

22 (b) Review the project implementation plan covering all state and
23 local permitting and mitigation approvals that ensure the most
24 expeditious and cost-effective delivery of the project.

25 (4) The expert review panels must report their findings and
26 recommendations on the items described under subsection (3) of this
27 section to the transportation committees of the legislature by October
28 2013, and annually thereafter, until the projects are operationally
29 complete.

30 (5) When convening the expert review panels, the department must be
31 attentive to cost and consider ways to minimize expert review panel
32 expenditures. Anticipated expenditures related to the expert review
33 panels must be included in the panel's findings and recommendation
34 reports.

35 **Sec. 3.** RCW 47.01.300 and 2012 c 62 s 1 are each amended to read
36 as follows:

1 The department shall, in cooperation with environmental regulatory
2 authorities:

3 (1) Identify and document environmental resources in the
4 development of the statewide multimodal plan under RCW 47.06.040;

5 (2) Allow for public comment regarding changes to the criteria used
6 for prioritizing projects under chapter 47.05 RCW before final adoption
7 of the changes by the commission;

8 (3) Use an environmental review as part of the project prospectus
9 identifying potential environmental impacts, mitigation, the
10 utilization of the mitigation option available in RCW 90.74.040, and
11 costs during the early project identification and selection phase,
12 submit the prospectus to the relevant environmental regulatory
13 authorities, and maintain a record of comments and proposed revisions
14 received from the authorities;

15 (4) Actively work with the relevant environmental regulatory
16 authorities during the design alternative analysis process and seek
17 written concurrence from the authorities that they agree with the
18 preferred design alternative selected;

19 (5) Develop a uniform methodology, in consultation with relevant
20 environmental regulatory authorities, for submitting plans and
21 specifications detailing project elements that impact environmental
22 resources, and proposed mitigation measures including the mitigation
23 option available in RCW 90.74.040, to the relevant environmental
24 regulatory authorities during the preliminary specifications and
25 engineering phase of project development;

26 (6) Use available technologies to minimize permit delays for,
27 inform and interact with interested parties including relevant
28 environmental regulatory authorities regarding, and optimize the
29 effectiveness of proposed compensatory mitigation projects;

30 (7)(a) In addition to the mitigation programs specified in RCW
31 90.74.040(1)(a), the correction of fish passage barriers on city
32 streets and county roads located within the same watershed as the
33 proposed project must be considered for compensatory mitigation. The
34 department shall consult with the department of fish and wildlife, the
35 appropriate local government, and interested tribes to identify the
36 existing fish passage barriers that, upon removal, will result in the
37 greatest habitat benefit.

1 (b) The department shall submit a report to the transportation
2 committees of the legislature by December 1, 2014, regarding the use
3 and effectiveness of the mitigation option created in this subsection
4 as well as recommendations for improvements;

5 (8) Screen construction projects to determine which projects will
6 require complex or multiple permits. The permitting authorities shall
7 develop methods for initiating review of the permit applications for
8 the projects before the final design of the projects;

9 ~~((+7))~~ (9) Conduct special prebid meetings for those projects that
10 are environmentally complex; and

11 ~~((+8))~~ (10) Review environmental considerations related to
12 particular projects during the preconstruction meeting held with the
13 contractor who is awarded the bid.

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