
SUBSTITUTE HOUSE BILL 2071

State of Washington

63rd Legislature

2014 Regular Session

By House Transportation (originally sponsored by Representatives Zeiger, Blake, Orcutt, Takko, Short, Freeman, Scott, Rodne, Hayes, Hargrove, Haler, Kochmar, Pike, Angel, Smith, Manweller, MacEwen, Fagan, and Vick)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to expedited permitting and contracting for
2 Washington state bridges deemed structurally deficient; amending RCW
3 47.28.170; reenacting and amending RCW 47.04.010; adding a new section
4 to chapter 43.21C RCW; creating a new section; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that, as of February
8 1, 2013, there were one hundred thirty-five state-owned bridges
9 classified as structurally deficient. The legislature further finds
10 that a span of the Skagit river bridge on Interstate 5, the Trooper
11 Sean M. O'Connell Jr. Memorial bridge, recently collapsed when an
12 oversized load struck the trusses that supported the bridge. Although
13 the Skagit river bridge was not considered structurally deficient, this
14 event underscores the importance of remedying bridge structural
15 deficiencies as efficiently and expeditiously as possible. Thus, it is
16 the intent of the legislature to provide for expedited permitting and
17 contracting for state bridges identified as structurally deficient by
18 the Washington state department of transportation.

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

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

14 **Sec. 3.** RCW 47.04.010 and 2003 c 244 s 2 and 2003 c 141 s 8 are
15 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

4 (7) "Combination of vehicles." Every combination of motor vehicle
5 and motor vehicle, motor vehicle and trailer, or motor vehicle and
6 semitrailer;

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

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

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

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

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

28 (b) Where a highway includes two roadways thirty feet or more
29 apart, then every crossing of each roadway of such divided highway by
30 an intersecting highway shall be regarded as a separate intersection.
31 In the event such intersecting highway also includes two roadways
32 thirty feet or more apart, then every crossing of two roadways of such
33 highways shall be regarded as a separate intersection;

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

36 (13) "Intersection control area." The intersection area as herein
37 defined, together with such modification of the adjacent roadway area

1 as results from the arc or curb corners and together with any marked or
2 unmarked crosswalks adjacent to the intersection;

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

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

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

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

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

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

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

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

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

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

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

35 (25) "Personal wireless service." Any federally licensed personal
36 wireless service;

37 (26) "Personal wireless service facilities." Unstaffed facilities
38 that are used for the transmission or reception, or both, of personal

1 wireless services including, but not necessarily limited to, antenna
2 arrays, transmission cables, equipment shelters, and support
3 structures;

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

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

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

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

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

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

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

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

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

37 (36) "State highway." Every highway as herein defined, or part

1 thereof, which has been designated as a state highway, or branch
2 thereof, by legislative enactment;

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

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

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

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

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

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

25 (43) "Structurally deficient." A state bridge that is classified
26 as in poor condition under the state bridge condition rating system and
27 is reported by the state to the national bridge inventory as having a
28 deck, superstructure, or substructure rating of four or below.
29 Structurally deficient bridges are characterized by deteriorated
30 conditions of significant bridge elements and potentially reduced load
31 carrying capacity. Bridges deemed structurally deficient typically
32 require significant maintenance and repair to remain in service, and
33 require major rehabilitation or replacement to address the underlying
34 deficiency.

35 Words and phrases used herein in the past, present, or future tense
36 shall include the past, present, and future tenses; words and phrases
37 used herein in the masculine, feminine, or neuter gender shall include

1 the masculine, feminine, and neuter genders; and words and phrases used
2 herein in the singular or plural shall include the singular and plural;
3 unless the context thereof shall indicate to the contrary.

4 **Sec. 4.** RCW 47.28.170 and 2006 c 334 s 23 are each amended to read
5 as follows:

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

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

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

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

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

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

5 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

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