

---

HOUSE BILL 2071

---

State of Washington                      63rd Legislature                      2013 1st Special Session

By Representatives Zeiger, Blake, Orcutt, Takko, Short, Freeman, Scott, Rodne, Hayes, Hargrove, Haler, Kochmar, Pike, Angel, Smith, Manweller, MacEwen, Fagan, and Vick

Prefiled 06/11/13. Read first time 06/07/13. Referred to Committee on Transportation.

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 47.58 RCW; adding a new section to chapter 43.21C RCW;  
5 creating a new section; and declaring an 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 recently collapsed when an  
11 oversized load struck the trusses that supported the bridge. Although  
12 the Skagit river bridge was not considered structurally deficient, this  
13 event underscores the importance of remedying bridge structural  
14 deficiencies as efficiently and expeditiously as possible. Thus, it is  
15 the intent of the legislature to provide for expedited permitting and  
16 contracting for state bridges identified as structurally deficient by  
17 the Washington state department of transportation.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 47.58 RCW  
2 to read as follows:

3        Whenever the department deems a state bridge to be structurally  
4 deficient using United States department of transportation federal  
5 highway administration standards, any repair or replacement of the  
6 structurally deficient bridge may utilize the contracting procedures in  
7 RCW 47.28.170.    In addition, any repair or replacement work is  
8 categorically excluded from the preparation of an environmental  
9 assessment or environmental impact statement as required by federal law  
10 or under chapter 43.21C RCW.

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

13        The design, funding, permitting, and construction of any repair or  
14 replacement of a state bridge deemed structurally deficient, as defined  
15 in RCW 47.04.010, is not subject to this chapter if the repair or  
16 replacement is not subject to any level of environmental review under  
17 the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

18        **Sec. 4.**    RCW 47.04.010 and 2003 c 244 s 2 and 2003 c 141 s 8 are  
19 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

9 (7) "Combination of vehicles." Every combination of motor vehicle  
10 and motor vehicle, motor vehicle and trailer, or motor vehicle and  
11 semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (25) "Personal wireless service." Any federally licensed personal  
2 wireless service;

3           (26) "Personal wireless service facilities." Unstaffed facilities  
4 that are used for the transmission or reception, or both, of personal  
5 wireless services including, but not necessarily limited to, antenna  
6 arrays, transmission cables, equipment shelters, and support  
7 structures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (43) "Structurally deficient." A state bridge that requires repair  
30 or replacement of a certain component including, but not limited to,  
31 cracked or spalled concrete, the bridge deck, the support structure, or  
32 the entire bridge itself.

33 Words and phrases used herein in the past, present, or future tense  
34 shall include the past, present, and future tenses; words and phrases  
35 used herein in the masculine, feminine, or neuter gender shall include  
36 the masculine, feminine, and neuter genders; and words and phrases used  
37 herein in the singular or plural shall include the singular and plural;  
38 unless the context thereof shall indicate to the contrary.

1       **Sec. 5.** RCW 47.28.170 and 2006 c 334 s 23 are each amended to read  
2 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 reconstruction,  
7 repair, or other work is needed to preserve or restore the highway for  
8 public travel, or when the department is preparing to conduct the  
9 repair or replacement of a state bridge deemed structurally deficient  
10 by the department, the department may obtain at least three written  
11 bids for the work without publishing a call for bids, and the secretary  
12 of transportation may award a contract forthwith to the lowest  
13 responsible bidder.

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

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

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

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

34       NEW SECTION.   **Sec. 6.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

--- END ---