

SHB 1695 - H AMD 250

By Representative Clibborn

WITHDRAWN 3/11/2015

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
4 Washington state highway system is extensive, with over one hundred  
5 seventy-five thousand miles of public, city, county, and state  
6 highway pavements and over eight thousand seven hundred built  
7 structures, built using large quantities of construction aggregates,  
8 asphalt, concrete, steel, and cement. Much of our transportation and  
9 infrastructure system is in need of major rehabilitation or total  
10 reconstruction. These natural resource construction materials used to  
11 build our existing system are too valuable to be wasted and  
12 landfilled. Some of the best natural construction materials produced  
13 in Washington state are already in use for highways, bridges, and  
14 building construction. Effective and responsible recycling is an  
15 effective life-cycle strategy to reuse these construction materials  
16 in the construction of new state and local transportation and  
17 infrastructure projects as well as to repair, reconstruct, and  
18 maintain them.

19 (2) The legislature further finds that the recycling of  
20 aggregates and other transportation construction materials makes  
21 sound economic, environmental, and engineering sense and is in  
22 keeping with meeting Washington state's greenhouse gas reduction  
23 priorities. The economic benefits from the reuse and recycling of  
24 these valuable, finite, and nonrenewable materials can be very  
25 effective in reducing the cost of designing, engineering, and  
26 construction of new transportation projects and will make greater use  
27 of limited state and local transportation funds for additional  
28 highway construction, rehabilitation, preservation, or maintenance  
29 projects.

30 (3) The legislature further finds that the reuse of construction  
31 aggregate and recycled concrete materials into new transportation and  
32 infrastructure structure projects is known to:

1 (a) Promote the conservation and protection of permitted and  
2 unpermitted construction aggregate resources;

3 (b) Reduce the need for the consumption of new construction  
4 aggregate materials;

5 (c) Encourage the reuse and recycling of currently classified  
6 waste materials and discourage landfilling of valuable natural  
7 resources;

8 (d) Reduce waste, preserve finite landfill space, and reduce  
9 illegal dumping by encouraging reuse and recycling through sound and  
10 practical environmental best management and handling practices;

11 (e) Reduce truck trips and related transportation emissions;

12 (f) Reduce greenhouse gases related to the construction of new  
13 transportation projects, reduce embodied energy, and improve and  
14 advance the sustainable principles and practices of the state of  
15 Washington and its transportation system;

16 (g) Reduce project material and construction costs for state and  
17 local level projects; and

18 (h) Be consistent with the governor's executive order No. 13-04  
19 (September 2013), the state department of transportation  
20 sustainability executive order No. E1082.00 (August 2012), and  
21 presidential executive order No. 13423 (January 2007).

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95  
23 RCW to read as follows:

24 (1) The department of transportation and its implementation  
25 partners must collaboratively develop and establish objectives and  
26 strategies for the reuse and recycling of construction aggregate and  
27 recycled concrete materials. This process must include the  
28 development of criteria for the successful and sustainable long-term  
29 recycling of construction aggregate and recycled concrete materials  
30 in Washington state transportation, roadway, street, highway, and  
31 other transportation infrastructure projects.

32 (2) The department of transportation must, unless construction  
33 aggregate and recycled concrete materials are not readily available  
34 or cost-effective, specify and annually use a minimum of twenty-five  
35 percent construction aggregate and recycled concrete materials on its  
36 cumulative transportation, roadway, street, highway, and other  
37 transportation infrastructure projects. Manufacturing by-products  
38 such as bottom ash from a coal-fired electric generation plant may be  
39 used to satisfy this requirement.

1 (3)(a) All local governmental entities with a population of one  
2 hundred thousand residents or more must, as part of their contracting  
3 process, request and accept bids that include the use of construction  
4 aggregate and recycled concrete materials for each transportation,  
5 roadway, street, highway, or other transportation infrastructure  
6 project.

7 (b) Prior to awarding a contract for a transportation, roadway,  
8 street, highway, or other transportation infrastructure project, the  
9 local governmental entity must compare the lowest responsible bid  
10 proposing to use construction aggregate and recycled concrete  
11 materials with the lowest responsible bid not proposing to use  
12 construction aggregate and recycled concrete materials, and award the  
13 contract to the bidder proposing to use the highest percentage of  
14 construction aggregate and recycled concrete materials if that bid is  
15 the same as, or less than, a bidder not proposing to use construction  
16 aggregate and recycled concrete materials or proposing to use a lower  
17 percentage of construction aggregate and recycled concrete materials.

18 (4) Any local governmental entity with a population of less than  
19 one hundred thousand residents must:

20 (a) Review and determine the capacity for recycling and reuse of  
21 construction aggregate and recycled concrete materials for roadway,  
22 street, highway, and other transportation infrastructure projects in  
23 its jurisdiction;

24 (b) Establish practical and applicable strategies to recycle and  
25 reuse construction aggregate and recycled concrete materials for  
26 roadway, street, highway, and other transportation infrastructure  
27 projects in its jurisdiction; and

28 (c) Upon the completion of the review and strategy development,  
29 begin implementing the strategies to achieve the recycling and reuse  
30 objectives established for its jurisdiction.

31 (5) The applications and related specification standards for  
32 state and local transportation and infrastructure projects that reuse  
33 and recycle construction aggregate and recycled concrete materials to  
34 be used in the implementation of this section are outlined in the  
35 department of transportation's standard specifications for road,  
36 bridge, and municipal construction, section 9-03.21, table  
37 9-03.21(1)E.

38 (6) The definitions in this subsection apply throughout this  
39 section unless the context clearly requires otherwise.

1 (a) "Construction aggregate and recycled concrete materials"  
2 means reclaimed coarse and fine aggregate cement and concrete  
3 mixtures as commonly defined by the American public works  
4 association, the federal highway administration, and department of  
5 transportation specifications.

6 (b) "Implementation partners" means local governmental entities  
7 and interested Washington-based associations representing the  
8 appropriate sectors of the construction industry.

9 (c) "Local governmental entities" means cities or counties.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95  
11 RCW to read as follows:

12 (1) The department of transportation, together with its  
13 implementation partners, as that term is defined in section 2 of this  
14 act, must report annually to the legislature on the implementation of  
15 section 2 of this act. The annual report must be submitted to the  
16 legislature, consistent with RCW 43.01.036, by January 2nd of each  
17 year from 2017 through 2020.

18 (2) This section expires July 1, 2021.

19 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2016."

20 Correct the title.

EFFECT: Limits the applicability of the mandated minimum percentage of recycled materials to only projects undertaken by the department of transportation, removes the annual increase in the minimum recycled content level, and requires local jurisdictions with 100,000 residents or more to request bids that include recycled materials and award contracts to bidders who include the highest percentage of recycled materials if the cost is the same as or less than other bidders. Allows the department of transportation to not use a minimum of twenty-five percent recycled materials in its projects if the use of recycled materials is not cost-effective. Allows the department of transportation to use manufacturing by-products such as bottom ash to satisfy the 25% recycling requirement.

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