Washington State House of Representatives

BILL ANALYSIS

Transportation Committee

HB 2969

Brief Description: Requiring local bridge owners to maintain, replace, or appropriate funds for bridges deemed to be especially deficient.

Sponsors: Representatives Hudgins, Hasegawa and Upthegrove.

Brief Summary of Bill

- Requires cities and counties that own bridges with low sufficiency ratings to, within six months of the most recent sufficiency rating report, either begin construction to rehabilitate the bridge or adopt a finance plan to fully fund the rehabilitation or replacement of the bridge.
- Directs the Washington State Department of Transportation (Department) to report annually on the status of each locally-owned bridge that has a low sufficiency rating, including a statement of whether each city or county is in compliance with the rehabilitation or finance plan requirements.
- Directs the State Treasurer to, upon receipt of a report of non-compliance from the Department, withhold a portion of state motor vehicle fuel taxes to which the non-compliant city or county would otherwise be entitled.

Hearing Date: 1/31/08

Staff: Kathryn Leathers (786-7114).

Background:

Bridge Assessments

The Federal Highway Administration (FHWA) requires every state to provide assessments of all state-owned and locally-owned bridges that are located on public roads and are greater than 20 feet in length. In Washington, the Washington State Department of Transportation (Department) is the agency responsible for providing all bridge assessments to the FHWA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A bridge assessment includes the most recent bridge inspection report, and results in a sufficiency rating based on federal standards established pursuant to the National Bridge Inspection Standards. Typically, bridges must be inspected no less than once every two years; however, some bridges must be inspected more frequently (based on age, detected deficiencies, and other considerations), and usually new bridges are not required to be inspected more than once every four years.

The Department usually inspects and monitors only state-owned bridges, and local jurisdictions are responsible for inspecting and monitoring their own bridges. The Department's role in regards to locally-owned bridges is to ensure that local jurisdictions are inspecting and reporting as required under federal law, and to provide quality assurance by periodically reviewing local bridge files and conducting field reviews of local bridge inspections.

The federal bridge inspection standards were initially created to serve as a funding tool, not as a safety rating tool, for the purpose of determining eligibility and priority for federal rehabilitation and replacement funds. Pursuant to the federal standards, a sufficiency rating (SR) is assigned to each bridge using a scale of 0 to 100. Generally speaking, the lower the SR, the higher the priority for federal funding.

To qualify for federal bridge replacement funds, a bridge must have a SR of less than 50 and be either structurally deficient or functionally obsolete. To be eligible for rehabilitation funds, a bridge must have a SR of between 50 and 80 and also be either structurally deficient or functionally obsolete.

As defined by the FHWA, a structurally deficient bridge is one whose condition or design has impacted its ability to adequately carry its intended traffic loads. A functionally obsolete bridge is one in which the deck geometry, load carrying capacity, clearance, or approach roadway alignment has reduced its ability to adequately meet the traffic needs below accepted design standards.

Determining the SR number for any bridge is a complex calculation that indicates a bridge's relative ability to serve its intended purpose. The SR is a summation of four values: (1) structural adequacy and safety; (2) serviceability and functional obsolescence; (3) essentiality for public use; and (4) special reductions.

Although lower SRs typically indicate that a bridge has more structural and functional problems than higher rated bridges, a low SR (even a rating of 0) does not mean that the bridge is unsafe for all uses. A key indicator of a bridge inspector's initial concern regarding the safety of a bridge is whether load capacity has been restricted. Bridges that are deemed to be unsafe for all purposes are closed.

Distribution of State Motor Vehicle Fuel Taxes
Before May 1 of each year, the County Road Administration Board sends the State Treasurer a certificate of good practice on behalf of counties for compliance with reporting and other requirements during the preceding year. If a certificate of good practice is issued, after certain statutory deductions are made, the State Treasurer distributes to each county the amount of state motor vehicle fuel taxes to which the county is entitled. If a certificate of good practice is not issued, the State Treasurer withholds from each non-compliant county its share of the fuel taxes. Motor vehicle fuel taxes withheld from any county are not distributed to any other county;

instead, they are retained in the motor vehicle fund to the credit of the county entitled to the funds until such time as the State Treasurer receives a certificate of good practice or conditional certificate.

For cities and towns, after certain statutory deductions are made, the State Treasurer appropriates any remaining state motor vehicle fuel taxes on a monthly basis to cities and towns ratably on the basis of population as determined by the Office of Financial Management.

Summary of Bill:

Cities and counties that own or jointly own bridges with a sufficiency rating (SR) of less than 10 must, within six months of the most recent sufficiency rating report, either (1) begin to repair or rehabilitate the bridge such that the bridge's SR exceeds 80; or (2) develop and adopt a finance plan to fully fund the repair, rehabilitation, or replacement of the bridge.

Beginning to repair or rehabilitate a bridge is defined to exclude preconstruction design, environmental, or other preconstruction analysis.

If the city or county chooses to develop a finance plan, until the finance plan is implemented and construction has begun, the bridge owner or owners must appropriate from their funding sources into a dedicated account at least 50 percent of the total estimated cost to repair, rehabilitate, or replace the bridge.

In the case of jointly-owned bridges, the owners share compliance responsibilities equally unless otherwise provided in an interlocal agreement.

By December 2008, and annually thereafter, the Department must submit a report to the Legislature, State Treasurer, and County Road Administration Board on the status of each locally-owned bridge with a SR of less than 10. The report must include a determination of whether cities and counties are in compliance with the requirement to either begin repairs or to develop a finance plan.

In each case the Department makes a determination of non-compliance, the State Treasurer must withhold a portion of state motor vehicle fuel taxes to which the city or county would otherwise be entitled. The taxes withheld are not distributed to another city or county; rather, they are retained in the motor vehicle fund to the credit of the city or county originally entitled to the funds. The amount of motor vehicle fuel tax withheld varies as follows:

- If the city or county closes the bridge without a comprehensive funding plan in place, 40 percent is withheld until 75 percent of the estimated cost to rehabilitate or replace the bridge is secured by the bridge owner in a dedicated account.
- If the city or county imposes load restrictions that substantially extend the useful life of the bridge, 15 percent is withheld until 40 percent of the estimated cost to rehabilitate or replace the bridge is secured by the bridge owner in a dedicated account.
- In all other cases, 25 percent is withheld until 50 percent of the estimated cost is secured by the bridge owner in a dedicated account.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.