
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3281.2/02 2nd draft

ATTY/TYPIST: GR:rmh

BRIEF DESCRIPTION:

2 SB 5130 - S AMD
3 By Senator

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds and declares:

8 It is in the interest of the state and the traveling public to
9 improve the safety and efficiency of state highways and bridges as
10 expeditiously as possible. The existing Tacoma Narrows bridge section
11 of the SR 16 corridor located in Pierce and Kitsap counties, among
12 others, is a threat to public health and safety because of congestion
13 and a high number of accidents, injuries, and fatalities. Millions of
14 dollars are lost annually because of travel delays and accidents that
15 cause personal and property damage. These conditions are the result of
16 insufficient capacity, substandard effective lane widths, lack of
17 emergency shoulders, and no separation of oncoming traffic due to the
18 physical limitation of the existing bridge.

19 The SR 16 corridor provides the only fixed roadway link crossing
20 Puget Sound. SR 16 is classified as an urban principal arterial and a
21 highway of statewide significance because it serves substantial
22 statewide and interstate travel. Further, its national highway system
23 designation as a major strategic highway connector identifies SR 16 as
24 part of the network of highways that is important to the United States
25 strategic defense policy providing defense access, continuity, and
26 emergency capabilities for the movement of personnel, materials, and
27 equipment.

28 The SR 16 corridor is vital to the economic well-being of Pierce
29 and Kitsap counties and the Olympic peninsula. SR 16 is a designated
30 state freight corridor, allowing for the efficient movement of freight,
31 goods, and services to support local, regional, and state economies.

32 The public-private transportation initiatives act, chapter 47.46
33 RCW, is an important component of the state's approach to financing and
34 carrying out additions and improvements to the state transportation
35 system, including improvements to facilities originally financed under
36 chapter 47.56 RCW. Under chapter 47.46 RCW, public-private initiative

1 projects are developed according to state and federal law and other
2 statutorily required processes. The SR 16 corridor project includes
3 the financing, right-of-way acquisition, design-build construction,
4 operations, and maintenance of a new suspension bridge at Tacoma
5 Narrows parallel to the existing bridge and the reconfiguration and
6 seismic rehabilitation of the current bridge. Roadway improvements
7 will also be made on SR 16 from and to the approaches to the bridge.
8 Voters in the affected project area under state law approved the
9 imposition of tolls to pay for these improvements.

10 The state highway systems plan does not provide any other funding
11 solution for this critical transportation project, other than public-
12 private financing under chapter 47.46 RCW. Under RCW 47.46.040, the
13 project has received regulatory approvals, rights-of-way have been
14 acquired, necessary preparations for financing have been made, and a
15 design-build construction price has been determined. There have been
16 significant state appropriations and private funding advanced to
17 develop the project. Delays in commencing this project will cause
18 increases in construction and financing costs and present a clear
19 danger that the state will not be able to proceed to make these vital
20 transportation improvements. This will result in a detrimental effect
21 on the safety of its citizens and the economic welfare of the region.

22 In order to avoid these profound risks, including the profound risk
23 of the project not proceeding, which would adversely affect tens of
24 thousands of citizens, it is necessary that this act be effective
25 immediately. Immediate legislative action is a pressing necessity to
26 support the immediate commencement of work on this project and the SR
27 16 corridor.

28 These facts and findings are a declaration of facts constituting an
29 emergency, and the projects that will be able to proceed under this act
30 are necessary for immediate preservation of the public health, safety,
31 and welfare.

32 **Sec. 2.** RCW 47.56.010 and 1984 c 7 s 246 are each amended to read
33 as follows:

34 "Toll bridge" means a bridge constructed or acquired under this
35 chapter, upon which tolls are charged, together with all appurtenances,
36 additions, alterations, improvements, and replacements thereof, and the
37 approaches thereto, and all lands and interests used therefor, and
38 buildings and improvements thereon.

1 "Toll road" means any express highway, superhighway, or motorway at
2 such locations and between such termini as may be established by law,
3 and constructed or to be constructed as a limited access highway under
4 the provisions of this chapter by the department, and shall include,
5 but not be limited to, all bridges, tunnels, overpasses, underpasses,
6 interchanges, entrance plazas, approaches, toll houses, service areas,
7 service facilities, communications facilities, and administration,
8 storage, and other buildings that the department may deem necessary for
9 the operation of the project, together with all property, rights,
10 easements, and interests that may be acquired by the department for the
11 construction or the operation of the project, all of which shall be
12 conducted in the same manner and under the same procedure as provided
13 for the establishing, constructing, operating, and maintaining of toll
14 bridges by the department, insofar as those procedures are reasonably
15 consistent and applicable.

16 "Toll bridge" and "toll road" as used in this chapter does not
17 include a facility that is developed, financed, constructed,
18 reconstructed, upgraded, maintained, or operated under chapter 47.46
19 RCW and for which funds have been appropriated under RCW 47.46.030,
20 notwithstanding the fact that the facility was originally constructed
21 under this chapter.

22 **Sec. 3.** RCW 47.56.030 and 2001 c 59 s 1 are each amended to read
23 as follows:

24 (1) The department of transportation shall have full charge of the
25 construction of all toll bridges and other toll facilities including
26 the Washington state ferries, and the operation and maintenance
27 thereof. The transportation commission shall determine and establish
28 the tolls and charges thereon, and shall perform all duties and
29 exercise all powers relating to the financing, refinancing, and fiscal
30 management of all toll bridges and other toll facilities including the
31 Washington state ferries, and bonded indebtedness in the manner
32 provided by law. However, once bonds issued by the commission for
33 construction of a toll bridge or other toll facility have been paid,
34 redeemed, or defeased in full, the toll bridge or other toll facility
35 may be thereafter included in projects that have been authorized under
36 chapter 47.46 RCW and for which funds have been appropriated under RCW
37 47.46.030, and tolls on the facilities must be established as provided
38 by chapter 47.46 RCW. The department shall have full charge of design

1 of all toll facilities. Except as provided in this section, the
2 department shall proceed with the construction of such toll bridges and
3 other facilities and the approaches thereto by contract in the manner
4 of state highway construction immediately upon there being made
5 available funds for such work and shall prosecute such work to
6 completion as rapidly as practicable. The department is authorized to
7 negotiate contracts for any amount without bid under (a) and (b) of
8 this subsection:

9 (a) Emergency contracts, in order to make repairs to ferries or
10 ferry terminal facilities or removal of such facilities whenever
11 continued use of ferries or ferry terminal facilities constitutes a
12 real or immediate danger to the traveling public or precludes prudent
13 use of such ferries or facilities; and

14 (b) Single source contracts for vessel dry dockings, when there is
15 clearly and legitimately only one available bidder to conduct dry dock-
16 related work for a specific class or classes of vessels. The contracts
17 may be entered into for a single vessel dry docking or for multiple
18 vessel dry dockings for a period not to exceed two years.

19 (2) The department shall proceed with the procurement of materials,
20 supplies, services, and equipment needed for the support, maintenance,
21 and use of a ferry, ferry terminal, or other facility operated by
22 Washington state ferries, in accordance with chapter 43.19 RCW except
23 as follows:

24 (a) Except as provided in (d) of this subsection, when the
25 secretary of the department of transportation determines in writing
26 that the use of invitation for bid is either not practicable or not
27 advantageous to the state and it may be necessary to make competitive
28 evaluations, including technical or performance evaluations among
29 acceptable proposals to complete the contract award, a contract may be
30 entered into by use of a competitive sealed proposals method, and a
31 formal request for proposals solicitation. Such formal request for
32 proposals solicitation shall include a functional description of the
33 needs and requirements of the state and the significant factors.

34 (b) When purchases are made through a formal request for proposals
35 solicitation the contract shall be awarded to the responsible proposer
36 whose competitive sealed proposal is determined in writing to be the
37 most advantageous to the state taking into consideration price and
38 other evaluation factors set forth in the request for proposals. No
39 significant factors may be used in evaluating a proposal that are not

1 specified in the request for proposals. Factors that may be considered
2 in evaluating proposals include but are not limited to: Price;
3 maintainability; reliability; commonality; performance levels; life
4 cycle cost if applicable under this section; cost of transportation or
5 delivery; delivery schedule offered; installation cost; cost of spare
6 parts; availability of parts and service offered; and the following:

7 (i) The ability, capacity, and skill of the proposer to perform the
8 contract or provide the service required;

9 (ii) The character, integrity, reputation, judgment, experience,
10 and efficiency of the proposer;

11 (iii) Whether the proposer can perform the contract within the time
12 specified;

13 (iv) The quality of performance of previous contracts or services;

14 (v) The previous and existing compliance by the proposer with laws
15 relating to the contract or services;

16 (vi) Objective, measurable criteria defined in the request for
17 proposal. These criteria may include but are not limited to items such
18 as discounts, delivery costs, maintenance services costs, installation
19 costs, and transportation costs; and

20 (vii) Such other information as may be secured having a bearing on
21 the decision to award the contract.

22 (c) When purchases are made through a request for proposal process,
23 proposals received shall be evaluated based on the evaluation factors
24 set forth in the request for proposal. When issuing a request for
25 proposal for the procurement of propulsion equipment or systems that
26 include an engine, the request for proposal must specify the use of a
27 life cycle cost analysis that includes an evaluation of fuel
28 efficiency. When a life cycle cost analysis is used, the life cycle
29 cost of a proposal shall be given at least the same relative importance
30 as the initial price element specified in the request of proposal
31 documents. The department may reject any and all proposals received.
32 If the proposals are not rejected, the award shall be made to the
33 proposer whose proposal is most advantageous to the department,
34 considering price and the other evaluation factors set forth in the
35 request for proposal.

36 (d) If the department is procuring large equipment or systems
37 (e.g., electrical, propulsion) needed for the support, maintenance, and
38 use of a ferry operated by Washington state ferries, the department
39 shall proceed with a formal request for proposal solicitation under

1 this subsection (2) without a determination of necessity by the
2 secretary.

3 **Sec. 4.** RCW 47.56.240 and 1984 c 7 s 265 are each amended to read
4 as follows:

5 The commission is hereby empowered to fix the rates of toll and
6 other charges for all toll bridges built under the terms of this
7 chapter. Toll charges so fixed may be changed from time to time as
8 conditions warrant. The commission, in establishing toll charges,
9 shall give due consideration to the cost of operating and maintaining
10 such toll bridge or toll bridges including the cost of insurance, and
11 to the amount required annually to meet the redemption of bonds and
12 interest payments on them. The tolls and charges shall be at all times
13 fixed at rates to yield annual revenue equal to annual operating and
14 maintenance expenses including insurance costs and all redemption
15 payments and interest charges of the bonds issued for any particular
16 toll bridge or toll bridges as the bonds become due. The bond
17 redemption and interest payments constitute a first direct and
18 exclusive charge and lien on all such tolls and other revenues and
19 interest thereon. Sinking funds created therefrom received from the
20 use and operation of the toll bridge or toll bridges, and such tolls
21 and revenues together with the interest earned thereon shall constitute
22 a trust fund for the security and payment of such bonds and shall not
23 be used or pledged for any other purpose as long as any of these bonds
24 are outstanding and unpaid.

25 However, once bonds issued by the commission for construction of a
26 toll bridge or other toll facility have been paid, redeemed, or
27 defeased in full, the toll bridge or other toll facility may be
28 thereafter included in projects that have been authorized under chapter
29 47.46 RCW and for which funds have been appropriated under RCW
30 47.46.030, and tolls on the facilities must be established as provided
31 by chapter 47.46 RCW.

32 **Sec. 5.** RCW 47.56.270 and 1983 c 3 s 129 are each amended to read
33 as follows:

34 The Lake Washington bridge ((and the Tacoma Narrows bridge)) in
35 chapter 47.17 RCW made a part of the primary state highways of the
36 state of Washington, shall, upon completion, be operated, maintained,
37 kept up, and repaired by the department in the manner provided in this

1 chapter, and the cost of such operation, maintenance, upkeep, and
2 repair shall be paid from funds appropriated for the use of the
3 department for the construction and maintenance of the primary state
4 highways of the state of Washington.

5 NEW SECTION. **Sec. 6.** RCW 47.56.271 (Tacoma Narrows bridge--Toll
6 free facility) and 1983 c 3 s 130 & 1965 c 50 s 1 are each repealed.

7 NEW SECTION. **Sec. 7.** For all reasons, declarations, and facts
8 stated in section 1 of this act, the legislature declares that an
9 emergency exists and that this act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 immediately."

13 **SB 5130** - S AMD
14 By Senator

15

16 In line 1 of the title, after "bridges;" strike the remainder of
17 the title and insert "amending RCW 47.56.010, 47.56.030, 47.56.240, and
18 47.56.270; creating a new section; repealing RCW 47.56.271; and
19 declaring an emergency."

EFFECT: Technical changes are made to update statutes amended
during the 2001 Legislative Session.

--- END ---