
ENGROSSED SUBSTITUTE HOUSE BILL 2304

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper, Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Upthegrove, Schual-Berke, Kagi and McIntire; by request of Governor Locke)

Read first time 01/16/2002. Referred to Committee on .

1 AN ACT Relating to transportation; amending RCW 41.06.380,
2 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130,
3 47.05.051, 35.84.060, 47.06.050, and 47.06.090; adding a new section to
4 chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a
5 new section to chapter 47.01 RCW; adding a new section to chapter 47.06
6 RCW; adding a new section to chapter 39.12 RCW; adding a new section to
7 chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding
8 a new section to chapter 46.68 RCW; adding a new section to chapter
9 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new
10 sections; making an appropriation; and providing effective dates.

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

12 **PART I**

13 **ESTABLISHMENT OF TRANSPORTATION**

14 **PERFORMANCE MEASURES**

15 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. It is the intent of
16 the legislature to establish policy goals for the operation,
17 performance of, and investment in, the state's transportation system.
18 The policy goals shall consist of, but not be limited to, the following

1 benchmark categories, adopted by the state's Blue Ribbon Commission on
2 Transportation on November 30, 2000. In addition to improving safety,
3 public investments in transportation shall support achievement of these
4 and other priority goals:

5 No interstate highways, state routes, and local arterials shall be
6 in poor condition; no bridges shall be structurally deficient, and
7 safety retrofits shall be performed on those state bridges at the
8 highest seismic risk levels; traffic congestion on urban state highways
9 shall be significantly reduced and be no worse than the national mean;
10 delay per driver shall be significantly reduced and no worse than the
11 national mean; per capita vehicle miles traveled shall be maintained at
12 2000 levels; the nonauto share of commuter trips shall be increased in
13 urban areas; administrative costs as a percentage of transportation
14 spending shall achieve the most efficient quartile nationally; and the
15 state's public transit agencies shall achieve the median cost per
16 vehicle revenue hour of peer transit agencies, adjusting for the
17 regional cost-of-living.

18 These policy goals shall be the basis for establishment of detailed
19 and measurable performance benchmarks.

20 It is the intent of the legislature that the transportation
21 commission establish performance measures to ensure transportation
22 system performance at local, regional, and state government levels, and
23 the transportation commission should work with appropriate government
24 entities to accomplish this.

25 NEW SECTION. **Sec. 102.** Section 101 of this act takes effect July
26 1, 2002.

27 **PART II**

28 **ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

29 NEW SECTION. **Sec. 201.** The legislature finds that there is a
30 pressing need for additional transportation projects to meet the
31 mobility needs of Washington citizens. With major new investments
32 approved to meet these pressing needs, additional work force assistance
33 is necessary to ensure and enhance project delivery timelines.
34 Recruiting and retaining a high quality work force, and implementing
35 new and innovative procedures for delivering these transportation
36 projects is required to accomplish them on a timely basis that best

1 serves the public. It is the intent of sections 202 and 203 of this
2 act that no state employees will lose their employment as a result of
3 implementing new and innovative project delivery procedures.

4 NEW SECTION. **Sec. 202.** A new section is added to chapter 47.28
5 RCW to read as follows:

6 (1) The department of transportation shall work with
7 representatives of transportation labor groups to develop a financial
8 incentive program to aid in retention and recruitment of employee
9 classifications where problems exist and program delivery is negatively
10 affected. The department's financial incentive program must be
11 reviewed and approved by the legislature before it can be implemented.
12 Upon receiving approval from the legislature, the department of
13 personnel shall implement, as required, specific aspects of the
14 financial incentive package, as developed by the department of
15 transportation.

16 (2) Notwithstanding chapter 41.06 RCW, the department of
17 transportation may acquire consultant services from qualified private
18 firms in order to deliver the transportation construction program to
19 the public. Consultant services may be acquired solely for augmenting
20 the department's work force capacity and only when the department's
21 transportation construction program cannot be delivered through its
22 existing or readily available work force. The department of
23 transportation shall work with representatives of transportation labor
24 groups to develop and implement a program identifying those projects
25 requiring contract services while establishing a program as defined in
26 subsection (1) of this section to provide the classified personnel
27 necessary to deliver future construction programs. The procedures for
28 acquiring construction engineering services from private firms may not
29 be used to displace existing state employees nor diminish the number of
30 existing classified positions in the present construction program. The
31 acquisition procedures must be in accordance with chapter 39.80 RCW.

32 (3) Starting in December 2003, and biennially thereafter, the
33 secretary shall report to the transportation committees of the
34 legislature on the use of construction engineering services from
35 private firms authorized under this section. The information provided
36 to the committees must include an assessment of the benefits and costs
37 associated with using engineering services, or other services, from
38 private firms, and a comparison of public versus private sector costs.

1 The secretary is authorized to act on these findings to ensure the most
2 cost-effective means of service delivery.

3 **Sec. 203.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
4 to read as follows:

5 (1) Nothing contained in this chapter shall prohibit any
6 department, as defined in RCW 41.06.020, from purchasing services by
7 contract with individuals or business entities if such services were
8 regularly purchased by valid contract by such department prior to April
9 23, 1979: PROVIDED, That no such contract may be executed or renewed
10 if it would have the effect of terminating classified employees or
11 classified employee positions existing at the time of the execution or
12 renewal of the contract.

13 (2) Nothing contained in this chapter prohibits the department of
14 transportation from purchasing construction engineering services by
15 contract from qualified private businesses as specified in section
16 202(2) of this act.

17 NEW SECTION. **Sec. 204.** Sections 201 through 203 of this act and
18 RCW 41.06.380(2) are null and void if new transportation revenues do
19 not become law by January 1, 2003. Sections 201 through 203 of this
20 act and RCW 41.06.380(2) are effective only for the period consistent
21 with the new transportation revenues, after which time these provisions
22 will expire.

23 **PART III**

24 **APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS**

25 NEW SECTION. **Sec. 301.** (1) The legislature finds that a skilled
26 technical work force is necessary for maintaining, preserving, and
27 improving Washington's transportation system. The Blue Ribbon
28 Commission on Transportation found that state and local transportation
29 agencies are showing signs of a work force that is insufficiently
30 skilled to operate the transportation system at its highest level.
31 Sections 301 through 308 of this act are intended to explore methods
32 for fostering a stronger industry in transportation planning and
33 engineering.

34 (2) It is the intent of the legislature that the state prevailing
35 wage process operate efficiently, that the process allow contractors

1 and workers to be paid promptly, and that new technologies and
2 innovative outreach methods be used to enhance wage surveys in order to
3 better reflect current wages in counties across the state.

4 (3) The legislature finds that in order to enhance the prevailing
5 wage process it is appropriate for all intent and affidavit fees paid
6 by contractors be dedicated to the sole purpose of administering the
7 state prevailing wage program.

8 (4) To accomplish the intent of this section and in order to
9 enhance the response of businesses and labor representatives to the
10 prevailing wage survey process, the department shall undertake the
11 following activities:

12 (a) Establish a goal of conducting surveys for each trade every
13 three years;

14 (b) Actively promote increased response rates from all survey
15 recipients in every county both urban and rural. The department shall
16 provide public education and technical assistance to businesses, labor
17 representatives, and public agencies in order to promote a better
18 understanding of prevailing wage laws and increased participation in
19 the prevailing wage survey process;

20 (c) Actively work with businesses, labor representatives, public
21 agencies, and others to ensure the integrity of information used in the
22 development of prevailing wage rates, and ensure uniform compliance
23 with requirements of sections 301 through 308 of this act;

24 (d) Maintain a timely processing of intents and affidavits, with a
25 target processing time no greater than seven working days from receipt
26 of completed forms;

27 (e) Develop and implement electronic processing of intents and
28 affidavits and promote the efficient and effective use of technology to
29 improve the services provided by the prevailing wage program.

30 NEW SECTION. **Sec. 302.** A new section is added to chapter 49.04
31 RCW to read as follows:

32 The apprenticeship council shall work with the department of
33 transportation, local transportation jurisdictions, local and statewide
34 joint apprenticeships, other apprenticeship programs, representatives
35 of labor and business organizations with interest and expertise in the
36 transportation work force, and representatives of the state's
37 universities and community and vocational colleges to establish
38 technical apprenticeship opportunities specific to the needs of

1 transportation. The council shall issue a report of findings and
2 recommendations to the transportation committees of the legislature by
3 December 1, 2002. The report must include, but not be limited to,
4 findings and recommendations regarding the establishment of
5 transportation technical training programs within the community and
6 vocational college system and in the state universities.

7 NEW SECTION. **Sec. 303.** A new section is added to chapter 47.01
8 RCW to read as follows:

9 The department of transportation shall work with local
10 transportation jurisdictions and representatives of transportation
11 labor groups to establish a human resources skills bank of
12 transportation professionals. The skills bank must be designed to
13 allow all transportation authorities to draw from it when needed. The
14 department shall issue a report of findings and recommendations to the
15 transportation committees of the legislature by December 1, 2002. The
16 report must include, but not be limited to, identification of any
17 statutory or administrative rule changes necessary to create the skills
18 bank and allow it to function in the manner described.

19 NEW SECTION. **Sec. 304.** A new section is added to chapter 47.06
20 RCW to read as follows:

21 The state-interest component of the statewide multimodal
22 transportation plan must include a plan for enhancing the skills of the
23 existing technical transportation work force.

24 NEW SECTION. **Sec. 305.** The department of labor and industries, in
25 cooperation with the department of transportation, shall conduct an
26 assessment of the current practices, including survey techniques, used
27 in setting prevailing wages for those trades related to transportation
28 facilities and transportation project delivery. The assessment must
29 include an analysis of regional variations. A final report must be
30 submitted to the governor and the transportation committees of the
31 senate and house of representatives by December 1, 2002.

32 NEW SECTION. **Sec. 306.** A new section is added to chapter 39.12
33 RCW to read as follows:

34 (1) In establishing the prevailing rate of wage under RCW
35 39.12.010, 39.12.015, and 39.12.020, all data collected by the

1 department may be used only in the county for which the work was
2 performed.

3 (2) This section only applies to prevailing wage surveys initiated
4 on or after August 1, 2002.

5 **Sec. 307.** RCW 39.12.070 and 1993 c 404 s 1 are each amended to
6 read as follows:

7 The department of labor and industries may charge fees to awarding
8 agencies on public works for the approval of statements of intent to
9 pay prevailing wages and the certification of affidavits of wages paid.
10 The department may also charge fees to persons or organizations
11 requesting the arbitration of disputes under RCW 39.12.060. The amount
12 of the fees shall be established by rules adopted by the department
13 under the procedures in the administrative procedure act, chapter 34.05
14 RCW. The fees shall apply to all approvals, certifications, and
15 arbitration requests made after the effective date of the rules. All
16 fees shall be deposited in the public works administration account.
17 (~~On the fifteenth day of the first month of each quarterly period, an~~
18 ~~amount equalling thirty percent of the revenues received into the~~
19 ~~public works administration account shall be transferred into the~~
20 ~~general fund.~~) The department may refuse to arbitrate for
21 contractors, subcontractors, persons, or organizations which have not
22 paid the proper fees. The department may, if necessary, request the
23 attorney general to take legal action to collect delinquent fees.

24 The department shall set the fees permitted by this section at a
25 level that generates revenue that is as near as practicable to the
26 amount of the appropriation to administer this chapter, including, but
27 not limited to, the performance of adequate wage surveys, and to
28 investigate and enforce all alleged violations of this chapter,
29 including, but not limited to, incorrect statements of intent to pay
30 prevailing wage, incorrect certificates of affidavits of wages paid,
31 and wage claims, as provided for in this chapter and chapters 49.48 and
32 49.52 RCW. However, the fees charged for the approval of statements of
33 intent to pay prevailing wages and the certification of affidavits of
34 wages paid shall be no greater than twenty-five dollars.

35 **Sec. 308.** RCW 39.12.080 and 2001 c 219 s 3 are each amended to
36 read as follows:

1 The public works administration account is created in the state
2 treasury. The department of labor and industries shall deposit in the
3 account all moneys received from fees or civil penalties collected
4 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the
5 account(~~(, not including moneys transferred to the general fund~~
6 ~~pursuant to RCW 39.12.070,))~~) may be made only for the purposes of
7 administration of this chapter, including, but not limited to, the
8 performance of adequate wage surveys, and for the investigation and
9 enforcement of all alleged violations of this chapter as provided for
10 in this chapter and chapters 49.48 and 49.52 RCW.

11 NEW SECTION. **Sec. 309.** Sections 301 through 308 and 310 of this
12 act are null and void if new transportation revenues do not become law
13 by January 1, 2003.

14 NEW SECTION. **Sec. 310.** The sum of nine hundred fifty thousand
15 dollars, or as much thereof as may be necessary, is appropriated from
16 the public works administration account to the department of labor and
17 industries for the biennium ending June 30, 2003, to carry out the
18 purposes of sections 306 through 308 of this act.

19 **PART IV**

20 **TRANSPORTATION PLANNING AND EFFICIENCY**

21 **Sec. 401.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to
22 read as follows:

23 The legislature finds that solutions to state highway deficiencies
24 have become increasingly complex and diverse and that anticipated
25 transportation revenues will fall substantially short of the amount
26 required to satisfy all transportation needs. Difficult investment
27 trade-offs will be required.

28 It is the intent of the legislature that investment of state
29 transportation funds to address deficiencies on the state highway
30 system be based on a policy of priority programming having as its basis
31 the rational selection of projects and services according to factual
32 need and an evaluation of life cycle costs and benefits (~~(and which)~~)
33 that are systematically scheduled to carry out defined objectives
34 within available revenue. The state must develop analytic tools to use
35 a common methodology to measure benefits and costs for all modes.

1 The priority programming system (~~shall~~) must ensure preservation
2 of the existing state highway system, relieve congestion, provide
3 mobility for people and goods, support the state's economy, and promote
4 environmental protection and energy conservation.

5 The priority programming system (~~shall~~) must implement the state-
6 owned highway component of the statewide (~~multimodal~~) transportation
7 plan, consistent with local and regional transportation plans, by
8 targeting state transportation investment to appropriate multimodal
9 solutions (~~which~~) that address identified state highway system
10 deficiencies.

11 The priority programming system for improvements (~~shall~~) must
12 incorporate a broad range of solutions that are identified in the
13 statewide (~~multimodal~~) transportation plan as appropriate to address
14 state highway system deficiencies, including but not limited to highway
15 expansion, efficiency improvements, nonmotorized transportation
16 facilities, high occupancy vehicle facilities, transit facilities and
17 services, rail facilities and services, and transportation demand
18 management programs.

19 **Sec. 402.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to
20 read as follows:

21 The transportation commission shall adopt a comprehensive six-year
22 investment program specifying program objectives and performance
23 measures for the preservation and improvement programs defined in this
24 section. In the specification of investment program objectives and
25 performance measures, the transportation commission, in consultation
26 with the Washington state department of transportation, shall define
27 and adopt standards for effective programming and prioritization
28 practices including a needs analysis process. The (~~needs~~) analysis
29 process (~~shall~~) must ensure the identification of problems and
30 deficiencies, the evaluation of alternative solutions and trade-offs,
31 and estimations of the costs and benefits of prospective projects. The
32 investment program (~~shall~~) must be revised biennially, effective on
33 July 1st of odd-numbered years. The investment program (~~shall~~) must
34 be based upon the needs identified in the state-owned highway component
35 of the statewide (~~multimodal~~) transportation plan as defined in RCW
36 47.01.071(3).

37 (1) The preservation program (~~shall~~) consists of those
38 investments necessary to preserve the existing state highway system and

1 to restore existing safety features, giving consideration to lowest
2 life cycle costing. The preservation program must require use of the
3 most cost-effective pavement surfaces, considering:

- 4 (a) Life-cycle cost analysis;
- 5 (b) Traffic volume;
- 6 (c) Subgrade soil conditions;
- 7 (d) Environmental and weather conditions;
- 8 (e) Materials available; and
- 9 (f) Construction factors.

10 The comprehensive six-year investment program for preservation
11 (~~shall~~) must identify projects for two years and an investment plan
12 for the remaining four years.

13 (2) The improvement program (~~shall~~) consists of investments
14 needed to address identified deficiencies on the state highway system
15 to increase mobility, address congestion, and improve (~~mobility,~~)
16 safety, support for the economy, and protection of the environment.
17 The six-year investment program for improvements (~~shall~~) must
18 identify projects for two years and major deficiencies proposed to be
19 addressed in the six-year period giving consideration to relative
20 benefits and life cycle costing. The transportation commission shall
21 give higher priority for correcting identified deficiencies on those
22 facilities classified as facilities of statewide significance as
23 defined in RCW 47.06.140. Project prioritization must be based
24 primarily upon cost-benefit analysis, where appropriate.

25 The transportation commission shall approve and present the
26 comprehensive six-year investment program to the legislature in support
27 of the biennial budget request under RCW 44.40.070 and 44.40.080.

28 **Sec. 403.** RCW 47.05.035 and 1993 c 490 s 4 are each amended to
29 read as follows:

30 (1) The department and the commission shall use the transportation
31 demand modeling tools developed under subsection (2) of this section to
32 evaluate investments based on the best mode or improvement, or mix of
33 modes and improvements, to meet current and future long-term demand
34 within a corridor or system for the lowest cost. The end result of
35 these demand modeling tools is to provide a cost-benefit analysis by
36 which the department and the commission can determine the relative
37 mobility improvement and congestion relief each mode or improvement

1 under consideration will provide and the relative investment each mode
2 or improvement under consideration will need to achieve that relief.

3 (2) The department will participate in the refinement, enhancement,
4 and application of existing transportation demand modeling tools to be
5 used to evaluate investments. This participation and use of
6 transportation demand modeling tools will be phased in.

7 (3) In developing program objectives and performance measures, the
8 transportation commission shall evaluate investment trade-offs between
9 the preservation and improvement programs. In making these investment
10 trade-offs, the commission shall evaluate, using cost-benefit
11 techniques, roadway and bridge maintenance activities as compared to
12 roadway and bridge preservation program activities and adjust those
13 programs accordingly.

14 (4) The commission shall allocate the estimated revenue between
15 preservation and improvement programs giving primary consideration to
16 the following factors:

17 ~~((1))~~ (a) The relative needs in each of the programs and the
18 system performance levels that can be achieved by meeting these needs;

19 ~~((2))~~ (b) The need to provide adequate funding for preservation
20 to protect the state's investment in its existing highway system;

21 ~~((3))~~ (c) The continuity of future transportation development
22 with those improvements previously programmed; and

23 ~~((4))~~ (d) The availability of dedicated funds for a specific type
24 of work.

25 **Sec. 404.** RCW 47.06.130 and 1993 c 446 s 13 are each amended to
26 read as follows:

27 (1) The department may carry out special transportation planning
28 studies to resolve specific issues with the development of the state
29 transportation system or other statewide transportation issues.

30 (2) The department shall conduct multimodal corridor analyses on
31 major congested corridors where needed improvements are likely to cost
32 in excess of one hundred million dollars. Analysis will include the
33 cost-effectiveness of all feasible strategies in addressing congestion
34 or improving mobility within the corridor, and must recommend the most
35 effective strategy or mix of strategies to address identified
36 deficiencies. A long-term view of corridors must be employed to
37 determine whether an existing corridor should be expanded, a city or
38 county road should become a state route, and whether a new corridor is

1 needed to alleviate congestion and enhance mobility based on travel
2 demand. To the extent practicable, full costs of all strategies must
3 be reflected in the analysis. At a minimum, this analysis must
4 include:

5 (a) The current and projected future demand for total person trips
6 on that corridor;

7 (b) The impact of making no improvements to that corridor;

8 (c) The daily cost per added person served for each mode or
9 improvement proposed to meet demand;

10 (d) The cost per hour of travel time saved per day for each mode or
11 improvement proposed to meet demand; and

12 (e) How much of the current and anticipated future demand will be
13 met and left unmet for each mode or improvement proposed to meet
14 demand.

15 The end result of this analysis will be to provide a cost-benefit
16 analysis by which policymakers can determine the most cost-effective
17 improvement or mode, or mix of improvements and modes, for increasing
18 mobility and reducing congestion.

19 NEW SECTION. Sec. 405. The legislature intends that funding for
20 transportation mobility improvements be allocated to the worst traffic
21 chokepoints in the state. Furthermore, the legislature intends to fund
22 projects that provide systemic relief throughout a transportation
23 corridor, rather than spot improvements that fail to improve overall
24 mobility within a corridor.

25 **Sec. 406.** RCW 47.05.051 and 1998 c 175 s 12 are each amended to
26 read as follows:

27 (1) The comprehensive six-year investment program shall be based
28 upon the needs identified in the state-owned highway component of the
29 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
30 and priority selection systems that incorporate the following criteria:

31 ((1)) (a) Priority programming for the preservation program shall
32 take into account the following, not necessarily in order of
33 importance:

34 ((a)) (i) Extending the service life of the existing highway
35 system, including using the most cost-effective pavement surfaces,
36 considering:

37 (A) Life-cycle cost analysis;

1 (B) Traffic volume;
2 (C) Subgrade soil conditions;
3 (D) Environmental and weather conditions;
4 (E) Materials available; and
5 (F) Construction factors;
6 ~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed
7 upon highways and bridges; and
8 ~~((e))~~ (iii) Minimizing life cycle costs. The transportation
9 commission in carrying out the provisions of this section may delegate
10 to the department of transportation the authority to select
11 preservation projects to be included in the six-year program.
12 ~~((2))~~ (b) Priority programming for the improvement program
13 ~~((shall take into account))~~ must be based primarily upon the following:
14 ~~((a))~~ (i) Traffic congestion, delay, and accidents;
15 (ii) Location within a heavily traveled transportation corridor;
16 (iii) Synchronization with other potential transportation projects,
17 including transit and multimodal projects, within the heavily traveled
18 corridor; and
19 (iv) Use of benefit/cost analysis wherever feasible to determine
20 the value of the proposed project.
21 (c) Priority programming for the improvement program may also take
22 into account:
23 (i) Support for the state's economy, including job creation and job
24 preservation;
25 ~~((b))~~ (ii) The cost-effective movement of people and goods;
26 ~~((e))~~ (iii) Accident and accident risk reduction;
27 ~~((d))~~ (iv) Protection of the state's natural environment;
28 ~~((e))~~ (v) Continuity and systematic development of the highway
29 transportation network;
30 ~~((f))~~ (vi) Consistency with local comprehensive plans developed
31 under chapter 36.70A RCW;
32 ~~((g))~~ (vii) Consistency with regional transportation plans
33 developed under chapter 47.80 RCW;
34 ~~((h))~~ (viii) Public views concerning proposed improvements;
35 ~~((i))~~ (ix) The conservation of energy resources;
36 ~~((j))~~ (x) Feasibility of financing the full proposed improvement;
37 ~~((k))~~ (xi) Commitments established in previous legislative
38 sessions;

1 (~~(1)~~) (xii) Relative costs and benefits of candidate
2 programs(~~(7)~~).

3 (~~(m)~~) (d) Major projects addressing capacity deficiencies which
4 prioritize allowing for preliminary engineering shall be reprioritized
5 during the succeeding biennium, based upon updated project data.
6 Reprioritized projects may be delayed or canceled by the transportation
7 commission if higher priority projects are awaiting funding(~~(7) and~~).

8 (~~(n)~~) (e) Major project approvals which significantly increase a
9 project's scope or cost from original prioritization estimates shall
10 include a review of the project's estimated revised priority rank and
11 the level of funding provided. Projects may be delayed or canceled by
12 the transportation commission if higher priority projects are awaiting
13 funding.

14 (~~(3)~~) (2) The commission may depart from the priority programming
15 established under subsection(~~(s)~~) (1) (~~and (2)~~) of this section: (a)
16 To the extent that otherwise funds cannot be utilized feasibly within
17 the program; (b) as may be required by a court judgment, legally
18 binding agreement, or state and federal laws and regulations; (c) as
19 may be required to coordinate with federal, local, or other state
20 agency construction projects; (d) to take advantage of some substantial
21 financial benefit that may be available; (e) for continuity of route
22 development; or (f) because of changed financial or physical conditions
23 of an unforeseen or emergent nature. The commission or secretary of
24 transportation shall maintain in its files information sufficient to
25 show the extent to which the commission has departed from the
26 established priority.

27 (~~(4)~~) (3) The commission shall identify those projects that yield
28 freight mobility benefits or that alleviate the impacts of freight
29 mobility upon affected communities.

30 NEW SECTION. Sec. 407. The department of transportation shall
31 report the results of its priority programming under RCW 47.05.051 to
32 the transportation committees of the senate and house of
33 representatives by December 1, 2003, and December 1, 2005.

34 NEW SECTION. Sec. 408. The legislature finds that roads, streets,
35 bridges, and highways in the state represent public assets worth over
36 one hundred billion dollars. These investments require regular
37 maintenance and preservation, or rehabilitation, to provide cost-

1 effective transportation services. Many of these facilities are in
2 poor condition. Given the magnitude of public investment and the
3 importance of safe, reliable roadways to the motoring public, the
4 legislature intends to create stronger accountability to ensure that
5 cost-effective maintenance and preservation is provided for these
6 transportation facilities.

7 **Sec. 409.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended
8 to read as follows:

9 Every municipal corporation which owns or operates an urban public
10 transportation system as defined in RCW 47.04.082 within its corporate
11 limits, may acquire, construct, extend, own, or operate such urban
12 public transportation system to any point or points not to exceed
13 fifteen miles outside of its corporate limits: PROVIDED, That no
14 municipal corporation shall extend its urban public transportation
15 system beyond its corporate limits to operate in any territory already
16 served by a privately operated auto transportation company holding a
17 certificate of public convenience and necessity from the utilities and
18 transportation commission.

19 As a condition of receiving state funding, the municipal
20 corporation shall submit a maintenance management plan for
21 certification by the transportation commission or its successor entity.
22 The plan must inventory all transportation system assets within the
23 direction and control of the municipality, and provide a preservation
24 plan based on lowest life cycle cost methodologies.

25 NEW SECTION. **Sec. 410.** A new section is added to chapter 36.56
26 RCW to read as follows:

27 As a condition of receiving state funding, a county that has
28 assumed the transportation functions of a metropolitan municipal
29 corporation shall submit a maintenance and preservation management plan
30 for certification by the transportation commission or its successor
31 entity. The plan must inventory all transportation system assets
32 within the direction and control of the county, and provide a
33 preservation plan based on lowest life cycle cost methodologies.

34 NEW SECTION. **Sec. 411.** A new section is added to chapter 36.57A
35 RCW to read as follows:

1 As a condition of receiving state funding, a public transportation
2 benefit area authority shall submit a maintenance and preservation
3 management plan for certification by the transportation commission or
4 its successor entity. The plan must inventory all transportation
5 system assets within the direction and control of the authority, and
6 provide a preservation plan based on lowest life cycle cost
7 methodologies.

8 NEW SECTION. **Sec. 412.** A new section is added to chapter 46.68
9 RCW to read as follows:

10 During the 2003-2005 biennium, cities and towns shall provide to
11 the transportation commission, or its successor entity, preservation
12 rating information on at least seventy percent of the total city and
13 town arterial network. Thereafter, the preservation rating information
14 requirement shall increase in five percent increments in subsequent
15 biennia. The rating system used by cities and towns must be based upon
16 the Washington state pavement rating method or an equivalent standard
17 approved by the transportation commission or its successor entity.

18 **Sec. 413.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to
19 read as follows:

20 The state-owned facilities component of the statewide
21 transportation plan shall consist of:

22 (1) The state highway system plan, which identifies program and
23 financing needs and recommends specific and financially realistic
24 improvements to preserve the structural integrity of the state highway
25 system, ensure acceptable operating conditions, and provide for
26 enhanced access to scenic, recreational, and cultural resources. The
27 state highway system plan shall contain the following elements:

28 (a) A system preservation element, which shall establish structural
29 preservation objectives for the state highway system including bridges,
30 identify current and future structural deficiencies based upon analysis
31 of current conditions and projected future deterioration, and recommend
32 program funding levels and specific actions necessary to preserve the
33 structural integrity of the state highway system consistent with
34 adopted objectives. Lowest life cycle cost methodologies must be used
35 in developing a pavement management system. This element shall serve
36 as the basis for the preservation component of the six-year highway
37 program and the two-year biennial budget request to the legislature;

1 (b) A highway maintenance element, establishing service levels for
2 highway maintenance on state-owned highways that meet benchmarks
3 established by the transportation commission. The highway maintenance
4 element must include an estimate of costs for achieving those service
5 levels over twenty years. This element will serve as the basis for the
6 maintenance component of the six-year highway program and the two-year
7 biennial budget request to the legislature;

8 (c) A capacity and operational improvement element, which shall
9 establish operational objectives, including safety considerations, for
10 moving people and goods on the state highway system, identify current
11 and future capacity, operational, and safety deficiencies, and
12 recommend program funding levels and specific improvements and
13 strategies necessary to achieve the operational objectives. In
14 developing capacity and operational improvement plans the department
15 shall first assess strategies to enhance the operational efficiency of
16 the existing system before recommending system expansion. Strategies
17 to enhance the operational efficiencies include but are not limited to
18 access management, transportation system management, demand management,
19 and high-occupancy vehicle facilities. The capacity and operational
20 improvement element must conform to the state implementation plan for
21 air quality and be consistent with regional transportation plans
22 adopted under chapter 47.80 RCW, and shall serve as the basis for the
23 capacity and operational improvement portions of the six-year highway
24 program and the two-year biennial budget request to the legislature;

25 (~~(e)~~) (d) A scenic and recreational highways element, which shall
26 identify and recommend designation of scenic and recreational highways,
27 provide for enhanced access to scenic, recreational, and cultural
28 resources associated with designated routes, and recommend a variety of
29 management strategies to protect, preserve, and enhance these
30 resources. The department, affected counties, cities, and towns,
31 regional transportation planning organizations, and other state or
32 federal agencies shall jointly develop this element;

33 (~~(d)~~) (e) A paths and trails element, which shall identify the
34 needs of nonmotorized transportation modes on the state transportation
35 systems and provide the basis for the investment of state
36 transportation funds in paths and trails, including funding provided
37 under chapter 47.30 RCW.

38 (2) The state ferry system plan, which shall guide capital and
39 operating investments in the state ferry system. The plan shall

1 establish service objectives for state ferry routes, forecast travel
2 demand for the various markets served in the system, ((and)) develop
3 strategies for ferry system investment that consider regional and
4 statewide vehicle and passenger needs, support local land use plans,
5 and assure that ferry services are fully integrated with other
6 transportation services. The plan must provide for maintenance of
7 capital assets. The plan must also provide for preservation of capital
8 assets based on lowest life cycle cost methodologies. The plan shall
9 assess the role of private ferries operating under the authority of the
10 utilities and transportation commission and shall coordinate ferry
11 system capital and operational plans with these private operations.
12 The ferry system plan must be consistent with the regional
13 transportation plans for areas served by the state ferry system, and
14 shall be developed in conjunction with the ferry advisory committees.

15 **Sec. 414.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to
16 read as follows:

17 The state-interest component of the statewide multimodal
18 transportation plan shall include an intercity passenger rail plan,
19 which shall analyze existing intercity passenger rail service and
20 recommend improvements to that service under the state passenger rail
21 service program including depot improvements, potential service
22 extensions, and ways to achieve higher train speeds.

23 For purposes of maintaining and preserving any state-owned
24 component of the state's passenger rail program, the statewide
25 multimodal transportation plan must identify all such assets and
26 provide a preservation plan based on lowest life cycle cost
27 methodologies.

28 NEW SECTION. **Sec. 415.** A new section is added to chapter 81.112
29 RCW to read as follows:

30 As a condition of receiving state funding, a regional transit
31 authority shall submit a maintenance and preservation management plan
32 for certification by the transportation commission or its successor
33 entity. The plan must inventory all transportation system assets
34 within the direction and control of the transit authority, and provide
35 a plan for preservation of assets based on lowest life cycle cost
36 methodologies.

1 NEW SECTION. **Sec. 416.** A new section is added to chapter 36.78
2 RCW to read as follows:

3 The board shall establish a standard of good practice for
4 maintenance of transportation system assets. This standard must be
5 implemented by all counties no later than December 31, 2007. The board
6 shall develop a model maintenance management system for use by
7 counties. The board shall develop rules to assist the counties in the
8 implementation of this system. Counties shall annually submit their
9 maintenance plans to the board. The board shall compile the county
10 data regarding maintenance management and annually submit it to the
11 transportation commission or its successor entity.

12 NEW SECTION. **Sec. 417.** Sections 401 through 404 of this act take
13 effect July 1, 2002.

14 NEW SECTION. **Sec. 418.** If funding for sections 409, 410, and 412
15 of this act, referencing those sections by bill or chapter number, is
16 not provided by January 1, 2003, those sections are null and void.

17 NEW SECTION. **Sec. 419.** Captions and part headings used in this act
18 are not part of the law.

19 NEW SECTION. **Sec. 420.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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