

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5248**

Chapter 363, Laws of 2003

58th Legislature  
2003 Regular Session

TRANSPORTATION

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 23, 2003  
YEAS 42 NAYS 5

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 8, 2003  
YEAS 53 NAYS 43

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SUBSTITUTE SENATE BILL 5248** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

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**Secretary**

Approved May 19, 2003.

FILED

May 19, 2003 - 10:33 a.m.

GARY F. LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**



1 new and innovative procedures for delivering these transportation  
2 projects, is required to accomplish them on a timely basis that best  
3 serves the public. It is the intent of sections 103 and 104 of this  
4 act that no state employees will lose their employment as a result of  
5 implementing new and innovative project delivery procedures.

6 NEW SECTION. **Sec. 102.** A new section is added to chapter 47.28  
7 RCW to read as follows:

8 The definitions in this section apply throughout section 103 of  
9 this act and RCW 41.06.380 unless the context clearly requires  
10 otherwise.

11 (1) "Construction services" means those services that aid in the  
12 delivery of the highway construction program and include, but are not  
13 limited to, real estate services and construction engineering services.

14 (2) "Construction engineering services" include, but are not  
15 limited to, construction management, construction administration,  
16 materials testing, materials documentation, contractor payments and  
17 general administration, construction oversight, and inspection and  
18 surveying.

19 NEW SECTION. **Sec. 103.** A new section is added to chapter 47.28  
20 RCW to read as follows:

21 (1) The department of transportation shall work with  
22 representatives of transportation labor groups to develop a financial  
23 incentive program to aid in retention and recruitment of employee  
24 classifications where problems exist and program delivery is negatively  
25 affected. The department's financial incentive program must be  
26 reviewed and approved by the legislature before it can be implemented.  
27 This program must support the goal of enhancing project delivery  
28 timelines as outlined in section 101 of this act. Upon receiving  
29 approval from the legislature, the department of personnel shall  
30 implement, as required, specific aspects of the financial incentive  
31 package, as developed by the department of transportation.

32 (2) Notwithstanding chapter 41.06 RCW, the department of  
33 transportation may acquire services from qualified private firms in  
34 order to deliver the transportation construction program to the public.  
35 Services may be acquired solely for augmenting the department's work  
36 force capacity and only when the department's transportation

1 construction program cannot be delivered through its existing or  
2 readily available work force. The department of transportation shall  
3 work with representatives of transportation labor groups to develop and  
4 implement a program identifying those projects requiring contracted  
5 services while establishing a program as defined in subsection (1) of  
6 this section to provide the classified personnel necessary to deliver  
7 future construction programs. The procedures for acquiring  
8 construction engineering services from private firms may not be used to  
9 displace existing state employees nor diminish the number of existing  
10 classified positions in the present construction program. The  
11 acquisition procedures must be in accordance with chapter 39.80 RCW.

12 (3) Starting in December 2004, and biennially thereafter, the  
13 secretary shall report to the transportation committees of the  
14 legislature on the use of construction engineering services from  
15 private firms authorized under this section. The information provided  
16 to the committees must include an assessment of the benefits and costs  
17 associated with using construction engineering services, or other  
18 services, from private firms, and a comparison of public versus private  
19 sector costs. The secretary may act on these findings to ensure the  
20 most cost-effective means of service delivery.

21 **Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended  
22 to read as follows:

23 (1) Nothing contained in this chapter shall prohibit any  
24 department, as defined in RCW 41.06.020, from purchasing services by  
25 contract with individuals or business entities if such services were  
26 regularly purchased by valid contract by such department prior to April  
27 23, 1979: PROVIDED, That no such contract may be executed or renewed  
28 if it would have the effect of terminating classified employees or  
29 classified employee positions existing at the time of the execution or  
30 renewal of the contract.

31 (2) Nothing contained in this chapter prohibits the department of  
32 transportation from purchasing construction services or construction  
33 engineering services, as those terms are defined in section 102 of this  
34 act, by contract from qualified private businesses as specified in  
35 section 103(2) of this act.



1 target processing time no greater than seven working days from receipt  
2 of completed forms;

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

6 NEW SECTION. **Sec. 202.** A new section is added to chapter 49.04  
7 RCW to read as follows:

8 The apprenticeship council shall work with the department of  
9 transportation, local transportation jurisdictions, local and statewide  
10 joint apprenticeships, other apprenticeship programs, representatives  
11 of labor and business organizations with interest and expertise in the  
12 transportation work force, and representatives of the state's  
13 universities and community and vocational colleges to establish  
14 technical apprenticeship opportunities specific to the needs of  
15 transportation. The council shall issue a report of findings and  
16 recommendations to the transportation committees of the legislature by  
17 December 1, 2003. The report must include, but not be limited to,  
18 findings and recommendations regarding the establishment of  
19 transportation technical training programs within the community and  
20 vocational college system and in the state universities.

21 NEW SECTION. **Sec. 203.** A new section is added to chapter 47.01  
22 RCW to read as follows:

23 The department of transportation shall work with local  
24 transportation jurisdictions and representatives of transportation  
25 labor groups to establish a human resources skills bank of  
26 transportation professionals. The skills bank must be designed to  
27 allow all transportation authorities to draw from it when needed. The  
28 department shall issue a report of findings and recommendations to the  
29 transportation committees of the legislature by December 1, 2003. The  
30 report must include, but not be limited to, identification of any  
31 statutory or administrative rule changes necessary to create the skills  
32 bank and allow it to function in the manner described.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 47.06  
34 RCW to read as follows:

1 The state interest component of the statewide multimodal  
2 transportation plan must include a plan for enhancing the skills of the  
3 existing technical transportation work force.

4 NEW SECTION. **Sec. 205.** The department of labor and industries, in  
5 cooperation with the department of transportation, shall conduct an  
6 assessment of the current practices, including survey techniques, used  
7 in setting prevailing wages for those trades related to transportation  
8 facilities and transportation project delivery. The assessment must  
9 include an analysis of regional variations and stratified random  
10 sampling survey methods. A final report must be submitted to the  
11 governor and the transportation and labor committees of the senate and  
12 house of representatives by July 1, 2003.

13 NEW SECTION. **Sec. 206.** A new section is added to chapter 39.12  
14 RCW to read as follows:

15 (1) In establishing the prevailing rate of wage under RCW  
16 39.12.010, 39.12.015, and 39.12.020, all data collected by the  
17 department may be used only in the county for which the work was  
18 performed.

19 (2) This section applies only to prevailing wage surveys initiated  
20 on or after August 1, 2003.

21 NEW SECTION. **Sec. 207.** The sum of one hundred thousand dollars,  
22 or as much thereof as may be necessary, is appropriated from the public  
23 works administration account to the department of labor and industries  
24 for the biennium ending June 30, 2005, to carry out the purposes of  
25 sections 201, 205, and 206 of this act.

26 **PART III**  
27 **TRANSPORTATION PLANNING AND EFFICIENCY**

28 NEW SECTION. **Sec. 301.** The legislature finds that roads, streets,  
29 bridges, and highways in the state represent public assets worth over  
30 one hundred billion dollars. These investments require regular  
31 maintenance and preservation, or rehabilitation, to provide cost-  
32 effective transportation services. Many of these facilities are in  
33 poor condition. Given the magnitude of public investment and the

1 importance of safe, reliable roadways to the motoring public, the  
2 legislature intends to create stronger accountability to ensure that  
3 cost-effective maintenance and preservation is provided for these  
4 transportation facilities.

5 **Sec. 302.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended  
6 to read as follows:

7 Every municipal corporation which owns or operates an urban public  
8 transportation system as defined in RCW 47.04.082 within its corporate  
9 limits((7)) may acquire, construct, extend, own, or operate such urban  
10 public transportation system to any point or points not to exceed  
11 fifteen miles outside of its corporate limits: PROVIDED, That no  
12 municipal corporation shall extend its urban public transportation  
13 system beyond its corporate limits to operate in any territory already  
14 served by a privately operated auto transportation company holding a  
15 certificate of public convenience and necessity from the utilities and  
16 transportation commission.

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

23 NEW SECTION. **Sec. 303.** A new section is added to chapter 36.56  
24 RCW to read as follows:

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

32 NEW SECTION. **Sec. 304.** A new section is added to chapter 36.57A  
33 RCW to read as follows:

34 As a condition of receiving state funding, a public transportation  
35 benefit area authority shall submit a maintenance and preservation

1 management plan for certification by the transportation commission or  
2 its successor entity. The plan must inventory all transportation  
3 system assets within the direction and control of the authority, and  
4 provide a preservation plan based on lowest life-cycle cost  
5 methodologies.

6 NEW SECTION. **Sec. 305.** A new section is added to chapter 46.68  
7 RCW to read as follows:

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

16 NEW SECTION. **Sec. 306.** A new section is added to chapter 81.112  
17 RCW to read as follows:

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

25 NEW SECTION. **Sec. 307.** A new section is added to chapter 36.78  
26 RCW to read as follows:

27 The county road administration board, or its successor entity,  
28 shall establish a standard of good practice for maintenance of  
29 transportation system assets. This standard must be implemented by all  
30 counties no later than December 31, 2007. The board shall develop a  
31 model maintenance management system for use by counties. The board  
32 shall develop rules to assist the counties in the implementation of  
33 this system. Counties shall annually submit their maintenance plans to  
34 the board. The board shall compile the county data regarding

1 maintenance management and annually submit it to the transportation  
2 commission or its successor entity.

3 NEW SECTION. **Sec. 308.** Part headings used in this act are not  
4 part of the law.

5 NEW SECTION. **Sec. 309.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 310.** This act is null and void if new  
10 transportation revenues do not become law by January 1, 2004.

Passed by the Senate April 23, 2003.

Passed by the House April 8, 2003.

Approved by the Governor May 19, 2003.

Filed in Office of Secretary of State May 19, 2003.