

SHB 1851 - S AMD 410
By Senator King

WITHDRAWN 4/15/2015

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C
4 RCW to read as follows:

5 (1) The repair or replacement of a city, town, or county bridge
6 deemed structurally deficient is exempt from compliance with this
7 chapter as long as the action occurs within the existing right-of-
8 way, except that the repair or replacement may occur outside the
9 existing right-of-way as needed to meet current engineering standards
10 or state or local environmental permit requirements for highway
11 construction as long as the repair or replacement does not result in
12 additional lanes for automobiles. The issuance of applicable state
13 and local agency permits or approvals associated with the repair or
14 replacement of such bridges is also included in this exemption from
15 compliance with this chapter.

16 (2) For purposes of this section, "structurally deficient" means
17 a bridge that is classified as in poor condition under the state
18 bridge condition rating system and is reported by the state to the
19 national bridge inventory as having a deck, superstructure, or
20 substructure rating of four or below. Structurally deficient bridges
21 are characterized by deteriorated conditions of significant bridge
22 elements and potentially reduced load-carrying capacity. Bridges
23 deemed structurally deficient typically require significant
24 maintenance and repair to remain in service, and require major
25 rehabilitation or replacement to address the underlying deficiency.

26 **Sec. 2.** RCW 47.28.170 and 2006 c 334 s 23 are each amended to
27 read as follows:

28 (1) Whenever the department finds that as a consequence of
29 accident, natural disaster, or other emergency, an existing state
30 highway is in jeopardy or is rendered impassible in one or both
31 directions and the department further finds that prompt
32 reconstruction, repair, or other work is needed to preserve or

1 restore the highway for public travel, the department may obtain at
2 least three written bids for the work without publishing a call for
3 bids, and the secretary of transportation may award a contract
4 forthwith to the lowest responsible bidder.

5 The department shall notify any association or organization of
6 contractors filing a request to regularly receive notification.
7 Notification to an association or organization of contractors shall
8 include: (a) The location of the work to be done; (b) the general
9 anticipated nature of the work to be done; and (c) the date
10 determined by the department as reasonable in view of the nature of
11 the work and emergent nature of the problem after which the
12 department will not receive bids.

13 (2) Whenever the department finds it necessary to protect a
14 highway facility from imminent damage or to perform emergency work to
15 reopen a highway facility, the department may contract for such work
16 on a negotiated basis not to exceed force account rates for a period
17 not to exceed thirty working days.

18 (3) The secretary shall review any contract exceeding seven
19 hundred thousand dollars awarded under subsection (1) or (2) of this
20 section with the office of financial management within thirty days of
21 the contract award.

22 (4) Any person, firm, or corporation awarded a contract for work
23 must be prequalified pursuant to RCW 47.28.070 and may be required to
24 furnish a bid deposit or performance bond.

25 (5) A city, town, or county may use the contracting process
26 available to the department under subsection (1) of this section for
27 the repair or replacement of a bridge deemed structurally deficient,
28 as defined in section 1 of this act.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04
30 RCW to read as follows:

31 The repair or replacement of a city, town, or county bridge
32 deemed structurally deficient, as defined in section 1 of this act,
33 may use the contracting process available under RCW 47.28.170."

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1 On page 1, line 3 of the title, after "deficient;" strike the
2 remainder of the title and insert "amending RCW 47.28.170; adding a
3 new section to chapter 43.21C RCW; and adding a new section to
4 chapter 39.04 RCW."

EFFECT: Restores the original language of the bill. Direction for the department of ecology to amend the categorical exemption available to the department of transportation so that the same categorical exemption applies to structurally deficient city, town, or county bridges is removed. The replacement or repair of city, town, or county bridges that are deemed structurally deficient are exempted from state environmental policy act review requirements.

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