
SUBSTITUTE HOUSE BILL 1851

State of Washington

64th Legislature

2015 Regular Session

By House Environment (originally sponsored by Representatives Hayes, Bergquist, Zeiger, Takko, Harmsworth, Wilson, Griffey, Hargrove, Smith, and Magendanz)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to expedited permitting and contracting for
2 bridges owned by local governments that are deemed structurally
3 deficient; amending RCW 47.28.170; adding a new section to chapter
4 43.21C RCW; and adding a new section to chapter 39.04 RCW.

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

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

8 (1) The department must amend the categorical exemption available
9 to Washington department of transportation projects under WAC
10 197-11-800(26) as of the effective date of this section so that the
11 same categorical exemption applies to structurally deficient city,
12 town, or county bridge repair or replacement projects.

13 (2) For purposes of this section, "structurally deficient" means
14 a bridge that is classified as in poor condition under the state
15 bridge condition rating system and is reported by the state to the
16 national bridge inventory as having a deck, superstructure, or
17 substructure rating of four or below. Structurally deficient bridges
18 are characterized by deteriorated conditions of significant bridge
19 elements and potentially reduced load-carrying capacity. Bridges
20 deemed structurally deficient typically require significant

1 maintenance and repair to remain in service, and require major
2 rehabilitation or replacement to address the underlying deficiency.

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

5 (1) Whenever the department finds that as a consequence of
6 accident, natural disaster, or other emergency, an existing state
7 highway is in jeopardy or is rendered impassible in one or both
8 directions and the department further finds that prompt
9 reconstruction, repair, or other work is needed to preserve or
10 restore the highway for public travel, the department may obtain at
11 least three written bids for the work without publishing a call for
12 bids, and the secretary of transportation may award a contract
13 forthwith to the lowest responsible bidder.

14 The department shall notify any association or organization of
15 contractors filing a request to regularly receive notification.
16 Notification to an association or organization of contractors shall
17 include: (a) The location of the work to be done; (b) the general
18 anticipated nature of the work to be done; and (c) the date
19 determined by the department as reasonable in view of the nature of
20 the work and emergent nature of the problem after which the
21 department will not receive bids.

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

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

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

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

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04
2 RCW to read as follows:
3 The repair or replacement of a city, town, or county bridge
4 deemed structurally deficient, as defined in section 1 of this act,
5 may use the contracting process available under RCW 47.28.170.

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