
HOUSE BILL 1851

State of Washington

64th Legislature

2015 Regular Session

By Representatives Hayes, Bergquist, Zeiger, Takko, Harmsworth, Wilson, Griffey, Hargrove, Smith, and Magendanz

Read first time 01/30/15. Referred to Committee on Environment.

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

19 (2) For purposes of this section, "structurally deficient" means
20 a bridge that is classified as in poor condition under the state
21 bridge condition rating system and is reported by the state to the

1 national bridge inventory as having a deck, superstructure, or
2 substructure rating of four or below. Structurally deficient bridges
3 are characterized by deteriorated conditions of significant bridge
4 elements and potentially reduced load-carrying capacity. Bridges
5 deemed structurally deficient typically require significant
6 maintenance and repair to remain in service, and require major
7 rehabilitation or replacement to address the underlying deficiency.

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

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

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

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

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

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

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

5 NEW SECTION. Sec. 3. A new section is added to chapter 39.04
6 RCW to read as follows:

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

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