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3 **ESHB 2304** - S COMM AMD
4 By Committee on Transportation

5 ADOPTED 01/26/02

6 Strike everything after the enacting clause and insert the
7 following:

8 "PART I
9 ESTABLISHMENT OF TRANSPORTATION
10 PERFORMANCE MEASURES

11 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. It is the intent of
12 the legislature to establish policy goals for the operation,
13 performance of, and investment in, the state's transportation system.
14 The policy goals shall consist of, but not be limited to, the following
15 benchmark categories, adopted by the state's Blue Ribbon Commission on
16 Transportation on November 30, 2000. In addition to improving safety,
17 public investments in transportation shall support achievement of these
18 and other priority goals:

19 No interstate highways, state routes, and local arterials shall be
20 in poor condition; no bridges shall be structurally deficient, and
21 safety retrofits shall be performed on those state bridges at the
22 highest seismic risk levels; traffic congestion on urban state highways
23 shall be significantly reduced and be no worse than the national mean;
24 delay per driver shall be significantly reduced and no worse than the
25 national mean; per capita vehicle miles traveled shall be maintained at
26 2000 levels; the nonauto share of commuter trips shall be increased in
27 urban areas; administrative costs as a percentage of transportation
28 spending shall achieve the most efficient quartile nationally; and the
29 state's public transit agencies shall achieve the median cost per
30 vehicle revenue hour of peer transit agencies, adjusting for the
31 regional cost-of-living.

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

34 It is the intent of the legislature that the transportation
35 commission establish performance measures to ensure transportation
36 system performance at local, regional, and state government levels, and

1 the transportation commission should work with appropriate government
2 entities to accomplish this.

3 NEW SECTION. **Sec. 102.** Section 101 of this act takes effect July
4 1, 2002.

5 **PART II**

6 **ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

7 NEW SECTION. **Sec. 201.** The legislature finds that there is a
8 pressing need for additional transportation projects to meet the
9 mobility needs of Washington citizens. With major new investments
10 approved to meet these pressing needs, additional work force assistance
11 is necessary to ensure and enhance project delivery timelines.
12 Recruiting and retaining a high quality work force, and implementing
13 new and innovative procedures for delivering these transportation
14 projects is required to accomplish them on a timely basis that best
15 serves the public. It is the intent of sections 203 and 204 of this
16 act that no state employees will lose their employment as a result of
17 implementing new and innovative project delivery procedures.

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

20 The definitions in this section apply throughout section 203 of
21 this act and RCW 41.06.380 unless the context clearly requires
22 otherwise.

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

26 (2) "Construction engineering services" includes, but is not
27 limited to, construction management, construction administration,
28 materials testing, materials documentation, contractor payments and
29 general administration, construction oversight, and inspection and
30 surveying.

31 NEW SECTION. **Sec. 203.** A new section is added to chapter 47.28
32 RCW to read as follows:

33 (1) The department of transportation shall work with
34 representatives of transportation labor groups to develop a financial

1 incentive program to aid in retention and recruitment of employee
2 classifications where problems exist and program delivery is negatively
3 affected. The department's financial incentive program must be
4 reviewed and approved by the legislature before it can be implemented.
5 This program must support the goal of enhancing project delivery
6 timelines as outlined in section 201 of this act. Upon receiving
7 approval from the legislature, the department of personnel shall
8 implement, as required, specific aspects of the financial incentive
9 package, as developed by the department of transportation.

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

26 (3) Starting in December 2003, and biennially thereafter, the
27 secretary shall report to the transportation committees of the
28 legislature on the use of construction engineering services from
29 private firms authorized under this section. The information provided
30 to the committees must include an assessment of the benefits and costs
31 associated with using construction engineering services, or other
32 services, from private firms, and a comparison of public versus private
33 sector costs. The secretary is authorized to act on these findings to
34 ensure the most cost-effective means of service delivery.

35 **Sec. 204.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
36 to read as follows:

37 (1) Nothing contained in this chapter shall prohibit any
38 department, as defined in RCW 41.06.020, from purchasing services by

1 contract with individuals or business entities if such services were
2 regularly purchased by valid contract by such department prior to April
3 23, 1979: PROVIDED, That no such contract may be executed or renewed
4 if it would have the effect of terminating classified employees or
5 classified employee positions existing at the time of the execution or
6 renewal of the contract.

7 (2) Nothing contained in this chapter prohibits the department of
8 transportation from purchasing construction services or construction
9 engineering services, as those terms are defined in section 202 of this
10 act, by contract from qualified private businesses as specified in
11 section 203(2) of this act.

12 NEW SECTION. Sec. 205. Sections 201 through 204 of this act and
13 RCW 41.06.380(2) are null and void if new transportation revenues do
14 not become law by January 1, 2003. Sections 201 through 204 of this
15 act and RCW 41.06.380(2) are effective only for the period consistent
16 with the new transportation revenues, after which time these provisions
17 will expire.

18 PART III

19 APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

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

29 (2) It is the intent of the legislature that the state prevailing
30 wage process operate efficiently, that the process allow contractors
31 and workers to be paid promptly, and that new technologies and
32 innovative outreach methods be used to enhance wage surveys in order to
33 better reflect current wages in counties across the state.

34 (3) The legislature finds that in order to enhance the prevailing
35 wage process it is appropriate for all intent and affidavit fees paid

1 by contractors be dedicated to the sole purpose of administering the
2 state prevailing wage program.

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

7 (a) Establish a goal of conducting surveys for each trade every
8 three years;

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

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

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

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

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

27 The apprenticeship council shall work with the department of
28 transportation, local transportation jurisdictions, local and statewide
29 joint apprenticeships, other apprenticeship programs, representatives
30 of labor and business organizations with interest and expertise in the
31 transportation work force, and representatives of the state's
32 universities and community and vocational colleges to establish
33 technical apprenticeship opportunities specific to the needs of
34 transportation. The council shall issue a report of findings and
35 recommendations to the transportation committees of the legislature by
36 December 1, 2002. The report must include, but not be limited to,
37 findings and recommendations regarding the establishment of

1 transportation technical training programs within the community and
2 vocational college system and in the state universities.

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

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

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

17 The state-interest component of the statewide multimodal
18 transportation plan must include a plan for enhancing the skills of the
19 existing technical transportation work force.

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

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

31 (1) In establishing the prevailing rate of wage under RCW
32 39.12.010, 39.12.015, and 39.12.020, all data collected by the
33 department may be used only in the county for which the work was
34 performed.

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

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

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

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

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

35 The public works administration account is created in the state
36 treasury. The department of labor and industries shall deposit in the
37 account all moneys received from fees or civil penalties collected

1 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the
2 account(~~(, not including moneys transferred to the general fund~~
3 ~~pursuant to RCW 39.12.070,))~~) may be made only for the purposes of
4 administration of this chapter, including, but not limited to, the
5 performance of adequate wage surveys, and for the investigation and
6 enforcement of all alleged violations of this chapter as provided for
7 in this chapter and chapters 49.48 and 49.52 RCW.

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

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

16 **PART IV**

17 **TRANSPORTATION PLANNING AND EFFICIENCY**

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

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

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

33 The priority programming system (~~(shall)~~) must ensure preservation
34 of the existing state highway system, relieve congestion, provide

1 mobility for people and goods, support the state's economy, and promote
2 environmental protection and energy conservation.

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

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

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

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

35 (1) The preservation program (~~shall~~) consists of those
36 investments necessary to preserve the existing state highway system and
37 to restore existing safety features, giving consideration to lowest

1 life cycle costing. The preservation program must require use of the
2 most cost-effective pavement surfaces, considering:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 be reflected in the analysis. At a minimum, this analysis must
2 include:

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

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

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

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

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

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

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

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

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

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

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

35 (A) Life-cycle cost analysis;

36 (B) Traffic volume;

37 (C) Subgrade soil conditions;

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

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

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

12 (~~(3)~~) (2) The commission may depart from the priority programming
13 established under subsection(~~(s)~~) (1) (~~and (2)~~) of this section: (a)
14 To the extent that otherwise funds cannot be utilized feasibly within
15 the program; (b) as may be required by a court judgment, legally
16 binding agreement, or state and federal laws and regulations; (c) as
17 may be required to coordinate with federal, local, or other state
18 agency construction projects; (d) to take advantage of some substantial
19 financial benefit that may be available; (e) for continuity of route
20 development; or (f) because of changed financial or physical conditions
21 of an unforeseen or emergent nature. The commission or secretary of
22 transportation shall maintain in its files information sufficient to
23 show the extent to which the commission has departed from the
24 established priority.

25 (~~(4)~~) (3) The commission shall identify those projects that yield
26 freight mobility benefits or that alleviate the impacts of freight
27 mobility upon affected communities.

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

32 NEW SECTION. Sec. 408. The legislature finds that roads, streets,
33 bridges, and highways in the state represent public assets worth over
34 one hundred billion dollars. These investments require regular
35 maintenance and preservation, or rehabilitation, to provide cost-
36 effective transportation services. Many of these facilities are in
37 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. 409.** 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, 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. 410.** 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. 411.** 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
36 management plan for certification by the transportation commission or

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

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

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

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

17 The state-owned facilities component of the statewide
18 transportation plan shall consist of:

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

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

35 (b) A highway maintenance element, establishing service levels for
36 highway maintenance on state-owned highways that meet benchmarks
37 established by the transportation commission. The highway maintenance

1 element must include an estimate of costs for achieving those service
2 levels over twenty years. This element will serve as the basis for the
3 maintenance component of the six-year highway program and the two-year
4 biennial budget request to the legislature;

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

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

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

35 (2) The state ferry system plan, which shall guide capital and
36 operating investments in the state ferry system. The plan shall
37 establish service objectives for state ferry routes, forecast travel
38 demand for the various markets served in the system, ((and)) develop
39 strategies for ferry system investment that consider regional and

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

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 418.** Sections 409 through 412, 415, and 416 of
13 this act are null and void if new transportation revenues do not become
14 law by January 1, 2003.

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

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

21 **ESHB 2304** - S COMM AMD
22 By Committee on Transportation

23 ADOPTED 01/26/02

24 On page 1, line 1 of the title, after "transportation;" strike the
25 remainder of the title and insert "amending RCW 41.06.380, 39.12.070,
26 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130, 47.05.051,
27 35.84.060, 47.06.050, and 47.06.090; adding new sections to chapter
28 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new
29 section to chapter 47.01 RCW; adding a new section to chapter 47.06
30 RCW; adding a new section to chapter 39.12 RCW; adding a new section to
31 chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding
32 a new section to chapter 46.68 RCW; adding a new section to chapter

1 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new
2 sections; making an appropriation; and providing effective dates."

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