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HOUSE BILL 1933

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Mitchell, Skinner and Woods

Read first time 02/08/2001. Referred to Committee on Transportation.

1            AN ACT Relating to toll bridges; amending RCW 47.56.010, 47.56.030,  
2 47.56.240, and 47.56.270; creating a new section; repealing RCW  
3 47.56.271; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds and declares:

6            It is in the interest of the state and the traveling public to  
7 improve the safety and efficiency of state highways and bridges as  
8 expeditiously as possible. The existing Tacoma Narrows bridge section  
9 of the SR 16 corridor located in Pierce and Kitsap counties, among  
10 others, is a threat to public health and safety because of congestion  
11 and a high number of accidents, injuries, and fatalities. Millions of  
12 dollars are lost annually because of travel delays and accidents that  
13 cause personal and property damage. These conditions are the result of  
14 insufficient capacity, substandard effective lane widths, lack of  
15 emergency shoulders, and no separation of oncoming traffic due to the  
16 physical limitation of the existing bridge.

17            The SR 16 corridor provides the only fixed roadway link crossing  
18 Puget Sound. SR 16 is classified as an urban principal arterial and a  
19 highway of statewide significance because it serves substantial

1 statewide and interstate travel. Further, its national highway system  
2 designation as a major strategic highway connector identifies SR 16 as  
3 part of the network of highways that is important to the United States  
4 strategic defense policy providing defense access, continuity, and  
5 emergency capabilities for the movement of personnel, materials, and  
6 equipment.

7 The SR 16 corridor is vital to the economic well-being of Pierce  
8 and Kitsap counties and the Olympic peninsula. SR 16 is a designated  
9 state freight corridor, allowing for the efficient movement of freight,  
10 goods, and services to support local, regional, and state economies.

11 The public-private transportation initiatives act, chapter 47.46  
12 RCW, is an important component of the state's approach to financing and  
13 carrying out additions and improvements to the state transportation  
14 system, including improvements to facilities originally financed under  
15 chapter 47.56 RCW. Under chapter 47.46 RCW, public-private initiative  
16 projects are developed according to state and federal law and other  
17 statutorily required processes. The SR 16 corridor project includes  
18 the financing, right-of-way acquisition, design-build construction,  
19 operations, and maintenance of a new suspension bridge at Tacoma  
20 Narrows parallel to the existing bridge and the reconfiguration and  
21 seismic rehabilitation of the current bridge. Roadway improvements  
22 will also be made on SR 16 from and to the approaches to the bridge.  
23 Voters in the affected project area under state law approved the  
24 imposition of tolls to pay for these improvements.

25 The state highway systems plan does not provide any other funding  
26 solution for this critical transportation project, other than public-  
27 private financing under chapter 47.46 RCW. Under RCW 47.46.040, the  
28 project has received regulatory approvals, rights-of-way have been  
29 acquired, necessary preparations for financing have been made, and a  
30 design-build construction price has been determined. There have been  
31 significant state appropriations and private funding advanced to  
32 develop the project. Delays in commencing this project will cause  
33 increases in construction and financing costs and present a clear  
34 danger that the state will not be able to proceed to make these vital  
35 transportation improvements. This will result in a detrimental effect  
36 on the safety of its citizens and the economic welfare of the region.

37 In order to avoid these profound risks, including the profound risk  
38 of the project not proceeding, which would adversely affect tens of  
39 thousands of citizens, it is necessary that this act be effective

1 immediately. Immediate legislative action is a pressing necessity to  
2 support the immediate commencement of work on this project and the SR  
3 16 corridor.

4 These facts and findings are a declaration of facts constituting an  
5 emergency, and the projects that will be able to proceed under this act  
6 are necessary for immediate preservation of the public health, safety,  
7 and welfare.

8 **Sec. 2.** RCW 47.56.010 and 1984 c 7 s 246 are each amended to read  
9 as follows:

10 "Toll bridge" means a bridge constructed or acquired under this  
11 chapter, upon which tolls are charged, together with all appurtenances,  
12 additions, alterations, improvements, and replacements thereof, and the  
13 approaches thereto, and all lands and interests used therefor, and  
14 buildings and improvements thereon.

15 "Toll road" means any express highway, superhighway, or motorway at  
16 such locations and between such termini as may be established by law,  
17 and constructed or to be constructed as a limited access highway under  
18 the provisions of this chapter by the department, and shall include,  
19 but not be limited to, all bridges, tunnels, overpasses, underpasses,  
20 interchanges, entrance plazas, approaches, toll houses, service areas,  
21 service facilities, communications facilities, and administration,  
22 storage, and other buildings that the department may deem necessary for  
23 the operation of the project, together with all property, rights,  
24 easements, and interests that may be acquired by the department for the  
25 construction or the operation of the project, all of which shall be  
26 conducted in the same manner and under the same procedure as provided  
27 for the establishing, constructing, operating, and maintaining of toll  
28 bridges by the department, insofar as those procedures are reasonably  
29 consistent and applicable.

30 "Toll bridge" and "toll road" as used in this chapter does not  
31 include a facility that is developed, financed, constructed,  
32 reconstructed, upgraded, maintained, or operated under chapter 47.46  
33 RCW and for which funds have been appropriated under RCW 47.46.030,  
34 notwithstanding the fact that the facility was originally constructed  
35 under this chapter.

36 **Sec. 3.** RCW 47.56.030 and 1995 1st sp.s. c 4 s 1 are each amended  
37 to read as follows:

1 The department of transportation shall have full charge of the  
2 construction of all toll bridges and other toll facilities including  
3 the Washington state ferries, and the operation and maintenance  
4 thereof. The transportation commission shall determine and establish  
5 the tolls and charges thereon, and shall perform all duties and  
6 exercise all powers relating to the financing, refinancing, and fiscal  
7 management of all toll bridges and other toll facilities including the  
8 Washington state ferries, and bonded indebtedness in the manner  
9 provided by law. However, once bonds issued by the commission for  
10 construction of a toll bridge or other toll facility have been paid,  
11 redeemed, or defeased in full, the toll bridge or other toll facility  
12 may be thereafter included in projects that have been authorized under  
13 chapter 47.46 RCW and for which funds have been appropriated under RCW  
14 47.46.030, and tolls on the facilities must be established as provided  
15 by chapter 47.46 RCW. The department shall have full charge of design  
16 of all toll facilities. The department shall proceed with the  
17 construction of such toll bridges and other facilities and the  
18 approaches thereto by contract in the manner of state highway  
19 construction immediately upon there being made available funds for such  
20 work and shall prosecute such work to completion as rapidly as  
21 practicable. The department is authorized to negotiate contracts for  
22 any amount without bid in order to make repairs to ferries or ferry  
23 terminal facilities or removal of such facilities whenever continued  
24 use of ferries or ferry terminal facilities constitutes a real or  
25 immediate danger to the traveling public or precludes prudent use of  
26 such ferries or facilities.

27 The department shall proceed with the procurement of materials,  
28 supplies, services, and equipment needed for the support, maintenance,  
29 and use of a ferry, ferry terminal, or other facility operated by  
30 Washington state ferries, in accordance with chapter 43.19 RCW except  
31 as follows:

32 (1) When the secretary of the department of transportation  
33 determines in writing that the use of invitation for bid is either not  
34 practicable or not advantageous to the state and it may be necessary to  
35 make competitive evaluations, including technical or performance  
36 evaluations among acceptable proposals to complete the contract award,  
37 a contract may be entered into by use of a competitive sealed proposals  
38 method, and a formal request for proposals solicitation. Such formal  
39 request for proposals solicitation shall include a functional

1 description of the needs and requirements of the state and the  
2 significant factors.

3 (2) When purchases are made through a formal request for proposals  
4 solicitation the contract shall be awarded to the responsible proposer  
5 whose competitive sealed proposal is determined in writing to be the  
6 most advantageous to the state taking into consideration price and  
7 other evaluation factors set forth in the request for proposals. No  
8 significant factors may be used in evaluating a proposal that are not  
9 specified in the request for proposals. Factors that may be considered  
10 in evaluating proposals include but are not limited to: Price  
11 maintainability; reliability; commonality; performance levels; life  
12 cycle cost if applicable under this section; cost of transportation or  
13 delivery; delivery schedule offered; installation cost; cost of spare  
14 parts; availability of parts and service offered; and the following:

15 (a) The ability, capacity, and skill of the proposer to perform the  
16 contract or provide the service required;

17 (b) The character, integrity, reputation, judgment, experience, and  
18 efficiency of the proposer;

19 (c) Whether the proposer can perform the contract within the time  
20 specified;

21 (d) The quality of performance of previous contracts or services;

22 (e) The previous and existing compliance by the proposer with laws  
23 relating to the contract or services;

24 (f) Objective, measurable criteria defined in the request for  
25 proposal. These criteria may include but are not limited to items such  
26 as discounts, delivery costs, maintenance services costs, installation  
27 costs, and transportation costs; and

28 (g) Such other information as may be secured having a bearing on  
29 the decision to award the contract.

30 When purchases are made through a request for proposal process,  
31 proposals received shall be evaluated based on the evaluation factors  
32 set forth in the request for proposal. When a life cycle cost analysis  
33 is used, the life cycle cost of a proposal shall be given at least the  
34 same relative importance as the initial price element specified in the  
35 request of proposal documents. The department may reject any and all  
36 proposals received. If the proposals are not rejected, the award shall  
37 be made to the proposer whose proposal is most advantageous to the  
38 department, considering price and the other evaluation factors set  
39 forth in the request for proposal.

1 (3) The legislative transportation committee shall review the  
2 secretary's use of the request for proposals solicitation for  
3 Washington state ferries projects to determine if the process  
4 established under chapter 4, Laws of 1995 1st sp. sess. is appropriate.  
5 The results of the review, including recommendations for modification  
6 of the request for proposal process, shall be reported to the house of  
7 representatives and senate transportation committees by January 1,  
8 1997.

9 **Sec. 4.** RCW 47.56.240 and 1984 c 7 s 265 are each amended to read  
10 as follows:

11 The commission is hereby empowered to fix the rates of toll and  
12 other charges for all toll bridges built under the terms of this  
13 chapter. Toll charges so fixed may be changed from time to time as  
14 conditions warrant. The commission, in establishing toll charges,  
15 shall give due consideration to the cost of operating and maintaining  
16 such toll bridge or toll bridges including the cost of insurance, and  
17 to the amount required annually to meet the redemption of bonds and  
18 interest payments on them. The tolls and charges shall be at all times  
19 fixed at rates to yield annual revenue equal to annual operating and  
20 maintenance expenses including insurance costs and all redemption  
21 payments and interest charges of the bonds issued for any particular  
22 toll bridge or toll bridges as the bonds become due. The bond  
23 redemption and interest payments constitute a first direct and  
24 exclusive charge and lien on all such tolls and other revenues and  
25 interest thereon. Sinking funds created therefrom received from the  
26 use and operation of the toll bridge or toll bridges, and such tolls  
27 and revenues together with the interest earned thereon shall constitute  
28 a trust fund for the security and payment of such bonds and shall not  
29 be used or pledged for any other purpose as long as any of these bonds  
30 are outstanding and unpaid.

31 However, once bonds issued by the commission for construction of a  
32 toll bridge or other toll facility have been paid, redeemed, or  
33 defeased in full, the toll bridge or other toll facility may be  
34 thereafter included in projects that have been authorized under chapter  
35 47.46 RCW and for which funds have been appropriated under RCW  
36 47.46.030, and tolls on the facilities must be established as provided  
37 by chapter 47.46 RCW.

1       **Sec. 5.** RCW 47.56.270 and 1983 c 3 s 129 are each amended to read  
2 as follows:

3       The Lake Washington bridge ((and the Tacoma Narrows bridge)) in  
4 chapter 47.17 RCW made a part of the primary state highways of the  
5 state of Washington, shall, upon completion, be operated, maintained,  
6 kept up, and repaired by the department in the manner provided in this  
7 chapter, and the cost of such operation, maintenance, upkeep, and  
8 repair shall be paid from funds appropriated for the use of the  
9 department for the construction and maintenance of the primary state  
10 highways of the state of Washington.

11       NEW SECTION. **Sec. 6.** RCW 47.56.271 (Tacoma Narrows bridge--Toll  
12 free facility) and 1983 c 3 s 130 & 1965 c 50 s 1 are each repealed.

13       NEW SECTION. **Sec. 7.** For all reasons, declarations, and facts  
14 stated in section 1 of this act, the legislature declares that an  
15 emergency exists and that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and takes effect  
18 immediately.

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