

**RCW 47.87.090 Bridge design and construction.** (1) The commission shall design and construct the bridge to standards and specifications satisfactory to the departments of transportation, and in accordance with all applicable permits, clearances, and mitigation requirements. The commission shall arrange for timely review by the departments of transportation of all pertinent engineering plans, specifications, and related reports.

(2) The commission may undertake any construction activities that have necessary permits and for which funding is available, provided that prior to issuing a notice to proceed with the construction of any bridge foundation, the commission shall:

(a) Prepare and adopt an initial bridge finance plan to fund the design, construction, operations, maintenance, administration, and governance of the bridge. Prior to adopting the initial bridge finance plan, the board shall require a feasibility review of the initial bridge finance plan and shall submit the feasibility review to the departments of transportation and the local governments for their review as determined by the board. Following the review by the departments of transportation and local governments, the board may adopt the initial bridge finance plan, as it may be amended as a result of the reviews. Following the adoption of the initial bridge finance plan, the board may periodically adjust or amend the bridge finance plan as the board may determine; and

(b) Make and enter into a written agreement with the owner of the applicable existing bridge, under such terms and conditions as may be acceptable to the commission and the owner of the existing bridge, regarding the removal and disposition of the existing bridge. The agreement shall address: (i) The roles, responsibilities, and obligations of the parties with respect to the removal and disposal of the existing bridge, including any liabilities or potential liabilities incidental thereto; (ii) the retirement of any outstanding debt for which toll revenue from the existing bridge is pledged; (iii) the distribution of proceeds from any salvage value of the existing bridge; (iv) the disposition of any property, equipment, or other assets incidental to the existing bridge; (v) mitigation of impacts to existing bridge operations; and (vi) such other matters as the commission and owner of the existing bridge may determine.

(3) For purposes of the acquisition, design, construction, installation, operation, or maintenance of the bridge, or any combination thereof, the commission, without any prior or subsequent authorization, approval, or concurrence by any state, local government, or any other governmental entity of either state, may enter into any combination of contracts, agreements, or other arrangements with any one or more private entities or units of government, or any combination thereof, as the commission may elect including, but not limited to, any alternative or supplemental public works contract such as design-build and construction manager-general contractor contracts, public-private partnership agreement, lease agreement, franchise agreement, or financing agreement, and may include such terms and conditions as permitted under the constitutions of both states and the parties may agree to.

(4) As part of the construction of a bridge, the commission shall demolish, remove, and dispose of the applicable existing bridge in accordance with all applicable environmental permits and the terms of an agreement between the commission and owner of the existing bridge. Unless otherwise agreed to by the owner of the existing bridge, the

proceeds from the sale of any salvaged materials from the existing bridge shall be owing to such owner.

(5) A commission is deemed a municipal corporation for the purposes of RCW 82.04.050(10), and therefore the public road construction exemption under RCW 82.04.050(10) shall apply to taxes otherwise owing from construction of a bridge. Subject to RCW 47.87.150, the commission may apply for a deferral of all state and local sales and use taxes incurred from construction of a bridge that are not relieved by the public road construction exemption. [2022 c 89 § 9.]