

SSB 5248 - H COMM AMD
By Committee on Transportation

ADOPTED 04/08/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 **ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

5 NEW SECTION. **Sec. 101.** The legislature finds that there is a
6 pressing need for additional transportation projects to meet the
7 mobility needs of Washington's citizens. With major new investments
8 approved to meet these pressing needs, additional workforce assistance
9 is necessary to ensure and enhance project delivery timelines.
10 Recruiting and retaining a high quality workforce, and implementing new
11 and innovative procedures for delivering these transportation projects,
12 is required to accomplish them on a timely basis that best serves the
13 public. It is the intent of sections 103 and 104 of this act that no
14 state employees will lose their employment as a result of implementing
15 new and innovative project delivery procedures.

16 NEW SECTION. **Sec. 102.** A new section is added to chapter 47.28
17 RCW to read as follows:

18 The definitions in this section apply throughout section 103 of
19 this act and RCW 41.06.380 unless the context clearly requires
20 otherwise.

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

24 (2) "Construction engineering services" include, but are not
25 limited to, construction management, construction administration,
26 materials testing, materials documentation, contractor payments and
27 general administration, construction oversight, and inspection and
28 surveying.

1 NEW SECTION. **Sec. 103.** A new section is added to chapter 47.28
2 RCW to read as follows:

3 (1) The department of transportation shall work with
4 representatives of transportation labor groups to develop a financial
5 incentive program to aid in retention and recruitment of employee
6 classifications where problems exist and program delivery is negatively
7 affected. The department's financial incentive program must be
8 reviewed and approved by the legislature before it can be implemented.
9 This program must support the goal of enhancing project delivery
10 timelines as outlined in section 101 of this act. Upon receiving
11 approval from the legislature, the department of personnel shall
12 implement, as required, specific aspects of the financial incentive
13 package, as developed by the department of transportation.

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

30 (3) Starting in December 2004, and biennially thereafter, the
31 secretary shall report to the transportation committees of the
32 legislature on the use of construction engineering services from
33 private firms authorized under this section. The information provided
34 to the committees must include an assessment of the benefits and costs
35 associated with using construction engineering services, or other
36 services, from private firms, and a comparison of public versus private

1 sector costs. The secretary may act on these findings to ensure the
2 most cost-effective means of service delivery.

3 **Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
4 to read as follows:

5 (1) Nothing contained in this chapter shall prohibit any
6 department, as defined in RCW 41.06.020, from purchasing services by
7 contract with individuals or business entities if such services were
8 regularly purchased by valid contract by such department prior to April
9 23, 1979: PROVIDED, That no such contract may be executed or renewed
10 if it would have the effect of terminating classified employees or
11 classified employee positions existing at the time of the execution or
12 renewal of the contract.

13 (2) Nothing contained in this chapter prohibits the department of
14 transportation from purchasing construction services or construction
15 engineering services, as those terms are defined in section 102 of this
16 act, by contract from qualified private businesses as specified in
17 section 103(2) of this act.

18 **PART II**

19 **APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS**

20 NEW SECTION. **Sec. 201.** (1) The legislature finds that a skilled
21 technical workforce 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 workforce that is insufficiently
25 skilled to operate the transportation system at its highest level.
26 Sections 201 through 206 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.

1 (3) The legislature finds that in order to enhance the prevailing
2 wage process it is appropriate for all intent and affidavit fees paid
3 by contractors be dedicated to the sole purpose of administering the
4 state prevailing wage program.

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

9 (a) Establish a goal of conducting surveys for each trade every
10 three years;

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

17 (c) Actively work with businesses, labor representatives, public
18 agencies, and others to ensure the integrity of information used in the
19 development of prevailing wage rates, and ensure uniform compliance
20 with requirements of sections 201 through 206 of this act;

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

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

27 NEW SECTION. **Sec. 202.** A new section is added to chapter 49.04
28 RCW to read as follows:

29 The apprenticeship council shall work with the department of
30 transportation, local transportation jurisdictions, local and statewide
31 joint apprenticeships, other apprenticeship programs, representatives
32 of labor and business organizations with interest and expertise in the
33 transportation workforce, and representatives of the state's
34 universities and community and vocational colleges to establish
35 technical apprenticeship opportunities specific to the needs of
36 transportation. The council shall issue a report of findings and

1 recommendations to the transportation committees of the legislature by
2 December 1, 2003. The report must include, but not be limited to,
3 findings and recommendations regarding the establishment of
4 transportation technical training programs within the community and
5 vocational college system and in the state universities.

6 NEW SECTION. **Sec. 203.** A new section is added to chapter 47.01
7 RCW to read as follows:

8 The department of transportation shall work with local
9 transportation jurisdictions and representatives of transportation
10 labor groups to establish a human resources skills bank of
11 transportation professionals. The skills bank must be designed to
12 allow all transportation authorities to draw from it when needed. The
13 department shall issue a report of findings and recommendations to the
14 transportation committees of the legislature by December 1, 2003. The
15 report must include, but not be limited to, identification of any
16 statutory or administrative rule changes necessary to create the skills
17 bank and allow it to function in the manner described.

18 NEW SECTION. **Sec. 204.** A new section is added to chapter 47.06
19 RCW to read as follows:

20 The state interest component of the statewide multimodal
21 transportation plan must include a plan for enhancing the skills of the
22 existing technical transportation workforce.

23 NEW SECTION. **Sec. 205.** The department of labor and industries, in
24 cooperation with the department of transportation, shall conduct an
25 assessment of the current practices, including survey techniques, used
26 in setting prevailing wages for those trades related to transportation
27 facilities and transportation project delivery. The assessment must
28 include an analysis of regional variations and stratified random
29 sampling survey methods. A final report must be submitted to the
30 governor and the transportation and labor committees of the senate and
31 house of representatives by July 1, 2003.

32 NEW SECTION. **Sec. 206.** A new section is added to chapter 39.12
33 RCW to read as follows:

1 (1) In establishing the prevailing rate of wage under RCW
2 39.12.010, 39.12.015, and 39.12.020, all data collected by the
3 department may be used only in the county for which the work was
4 performed.

5 (2) This section applies only to prevailing wage surveys initiated
6 on or after August 1, 2003.

7 NEW SECTION. **Sec. 207.** The sum of one hundred thousand dollars,
8 or as much thereof as may be necessary, is appropriated from the public
9 works administration account to the department of labor and industries
10 for the biennium ending June 30, 2005, to carry out the purposes of
11 sections 201, 205, and 206 of this act.

12 **PART III**
13 **TRANSPORTATION PLANNING AND EFFICIENCY**

14 NEW SECTION. **Sec. 301.** The legislature finds that roads, streets,
15 bridges, and highways in the state represent public assets worth over
16 one hundred billion dollars. These investments require regular
17 maintenance and preservation, or rehabilitation, to provide cost-
18 effective transportation services. Many of these facilities are in
19 poor condition. Given the magnitude of public investment and the
20 importance of safe, reliable roadways to the motoring public, the
21 legislature intends to create stronger accountability to ensure that
22 cost-effective maintenance and preservation is provided for these
23 transportation facilities.

24 **Sec. 302.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended
25 to read as follows:

26 Every municipal corporation which owns or operates an urban public
27 transportation system as defined in RCW 47.04.082 within its corporate
28 limits((7)) may acquire, construct, extend, own, or operate such urban
29 public transportation system to any point or points not to exceed
30 fifteen miles outside of its corporate limits: PROVIDED, That no
31 municipal corporation shall extend its urban public transportation
32 system beyond its corporate limits to operate in any territory already

1 served by a privately operated auto transportation company holding a
2 certificate of public convenience and necessity from the utilities and
3 transportation commission.

4 As a condition of receiving state funding, the municipal
5 corporation shall submit a maintenance management plan for
6 certification by the transportation commission or its successor entity.
7 The plan must inventory all transportation system assets within the
8 direction and control of the municipality, and provide a preservation
9 plan based on lowest life cycle cost methodologies.

10 NEW SECTION. Sec. 303. A new section is added to chapter 36.56
11 RCW to read as follows:

12 As a condition of receiving state funding, a county that has
13 assumed the transportation functions of a metropolitan municipal
14 corporation shall submit a maintenance and preservation management plan
15 for certification by the transportation commission or its successor
16 entity. The plan must inventory all transportation system assets
17 within the direction and control of the county, and provide a
18 preservation plan based on lowest life cycle cost methodologies.

19 NEW SECTION. Sec. 304. A new section is added to chapter 36.57A
20 RCW to read as follows:

21 As a condition of receiving state funding, a public transportation
22 benefit area authority shall submit a maintenance and preservation
23 management plan for certification by the transportation commission or
24 its successor entity. The plan must inventory all transportation
25 system assets within the direction and control of the authority, and
26 provide a preservation plan based on lowest life cycle cost
27 methodologies.

28 NEW SECTION. Sec. 305. A new section is added to chapter 46.68
29 RCW to read as follows:

30 During the 2003-2005 biennium, cities and towns shall provide to
31 the transportation commission, or its successor entity, preservation
32 rating information on at least seventy percent of the total city and
33 town arterial network. Thereafter, the preservation rating information
34 requirement shall increase in five percent increments in subsequent

1 biennia. The rating system used by cities and towns must be based upon
2 the Washington state pavement rating method or an equivalent standard
3 approved by the transportation commission or its successor entity.

4 NEW SECTION. **Sec. 306.** A new section is added to chapter 81.112
5 RCW to read as follows:

6 As a condition of receiving state funding, a regional transit
7 authority shall submit a maintenance and preservation management plan
8 for certification by the transportation commission or its successor
9 entity. The plan must inventory all transportation system assets
10 within the direction and control of the transit authority, and provide
11 a plan for preservation of assets based on lowest life cycle cost
12 methodologies.

13 NEW SECTION. **Sec. 307.** A new section is added to chapter 36.78
14 RCW to read as follows:

15 The county road administration board, or its successor entity,
16 shall establish a standard of good practice for maintenance of
17 transportation system assets. This standard must be implemented by all
18 counties no later than December 31, 2007. The board shall develop a
19 model maintenance management system for use by counties. The board
20 shall develop rules to assist the counties in the implementation of
21 this system. Counties shall annually submit their maintenance plans to
22 the board. The board shall compile the county data regarding
23 maintenance management and annually submit it to the transportation
24 commission or its successor entity.

25 NEW SECTION. **Sec. 308.** Part headings used in this act are not
26 part of the law.

27 NEW SECTION. **Sec. 309.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 310.** This act is null and void if new
32 transportation revenues do not become law by January 1, 2004."

1 Correct the title.

EFFECT: SSB 5248, in its entirety, is null and void unless new transportation revenues are enacted by January 1, 2004.

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