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SENATE BILL 6808

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State of Washington

60th Legislature

2008 Regular Session

By Senator Prentice

Read first time 01/24/08. Referred to Committee on Transportation.

1 AN ACT Relating to requiring local bridge owners to maintain,  
2 replace, or appropriate funds for bridges deemed to be especially  
3 deficient; amending RCW 36.78.090 and 46.68.110; adding a new section  
4 to chapter 47.58 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** While most locally owned bridges are  
7 inspected, rated, and reported on every two years, as required under  
8 federal law, there is insufficient federal and local funding to provide  
9 for the immediate repair or replacement of all structurally deficient  
10 bridges. Given that bridges found to be severely compromised or  
11 deficient may pose a danger to lives, and could result in a disruption  
12 to commerce and quality of life, the legislature finds that a priority  
13 must be given to the repair, rehabilitation, or replacement of these  
14 bridges, especially deficient bridges.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.58 RCW  
16 to read as follows:

17 (1) As used in this section:

1 (a) "Bridge" means a structure: Located on a public road,  
2 including supports erected over a depression or an obstruction, such as  
3 water, a highway, or a railway; having a track or passageway for  
4 carrying traffic or other moving loads; and having an opening measured  
5 along the center of the roadway of more than twenty feet between  
6 undercopings of abutments or spring lines of arches, or extreme ends of  
7 openings for multiple boxes, and may also include multiple pipes, where  
8 the clear distance between openings is less than half of the smaller  
9 contiguous opening. "Bridge" includes any bridge that is subject to  
10 the national bridge inspection standards.

11 (b) "National bridge inspection standards" means the federal  
12 highway administration standards for the mandatory inspection and  
13 evaluation of all structures defined as highway bridges located on all  
14 public roads (23 C.F.R. Sec. 650, subpart C; 23 U.S.C. Sec. 151).

15 (c) "Public road" means any road or street under the jurisdiction  
16 of and maintained by a public authority and open to public travel.

17 (d) "Sufficiency rating" means a value of zero through one hundred,  
18 based on the national bridge inspection standards, that is used to  
19 evaluate all state and locally owned bridges and establishes  
20 eligibility and priority for replacement or rehabilitation of bridges  
21 with federal highway bridge replacement and rehabilitation program  
22 funds.

23 (e) "Sufficiency rating report" means the most recent bridge  
24 inspection report and supporting documentation that establishes a  
25 bridge's sufficiency rating.

26 (2) For each city-owned or county-owned bridge, including bridges  
27 jointly owned by cities and counties, that has a sufficiency rating of  
28 less than ten, the bridge owner or owners shall, within six months from  
29 the date of the most recent sufficiency rating report:

30 (a) Begin to repair or rehabilitate the bridge, excluding any  
31 preconstruction design, environmental, or other analyses, such that the  
32 bridge's sufficiency rating exceeds eighty; or

33 (b) Develop and adopt a finance plan to fully fund the (i) repair  
34 or rehabilitation of the bridge to achieve a sufficiency rating in  
35 excess of eighty, or (ii) replacement of the bridge. The finance plan  
36 may include federal funds if such funds have been secured. Until the  
37 finance plan is implemented and work has begun on the repair,  
38 rehabilitation, or replacement of the bridge, the bridge owner or

1 owners shall appropriate from their funding sources at least fifty  
2 percent of the total estimated cost to repair, rehabilitate, or replace  
3 the bridge into a dedicated account.

4 (3) In the case of bridges jointly owned by local jurisdictions,  
5 the owners shall share responsibility equally under this section unless  
6 an interlocal agreement establishes otherwise.

7 (4) By December 2008, and each December thereafter, the department  
8 shall submit an annual report to the legislature, the state treasurer,  
9 and the county road administration board on the status of all bridges  
10 subject to the requirements of this section. At a minimum, the report  
11 must identify each bridge and its sufficiency rating, and include a  
12 determination of whether the bridge owners are in compliance with  
13 subsection (2) of this section.

14 (5) Except as provided in subsections (6) and (7) of this section,  
15 upon receipt of a determination from the department that a city or  
16 county is in noncompliance with this section:

17 (a) For city-owned bridges, the state treasurer shall withhold  
18 twenty-five percent of the motor vehicle fuel tax revenues, as provided  
19 in RCW 46.68.110(4), to which the city is entitled, until fifty percent  
20 of the estimated cost to replace the bridge, or to repair or  
21 rehabilitate the bridge such that the sufficiency rating exceeds  
22 eighty, has been secured in a dedicated account by the owner of the  
23 bridge.

24 (b) For county-owned bridges, the county road administration board  
25 shall withhold twenty-five percent of the motor vehicle fuel tax  
26 revenues, as provided in RCW 36.78.090 and 46.68.120(4), to which the  
27 county is entitled, until fifty percent of the estimated cost to  
28 replace the bridge, or to repair or rehabilitate the bridge such that  
29 the sufficiency rating exceeds eighty, has been secured in a dedicated  
30 account by the owner of the bridge.

31 (c) For bridges jointly owned by local jurisdictions, the state  
32 treasurer and the county road administration board shall withhold the  
33 funds identified in (a) and (b) of this subsection consistent with the  
34 parties' relative responsibility for repairs, rehabilitation, or  
35 replacement costs as provided in the interlocal agreement. If an  
36 interlocal agreement does not exist or if the interlocal agreement  
37 fails to clearly provide for the parties' responsibilities for such

1 costs, the state treasurer and the county road administration board  
2 shall withhold equal amounts.

3 (6) If load-carrying restrictions are imposed, posted, and enforced  
4 on any bridge subject to the requirements of this section such that the  
5 useful life of the bridge is substantially extended, as determined by  
6 the department:

7 (a) For city-owned bridges, the state treasurer shall withhold  
8 fifteen percent of the motor vehicle fuel tax revenues, as provided in  
9 RCW 46.68.110(4), to which the city is entitled, until forty percent of  
10 the estimated cost to replace the bridge, or to repair or rehabilitate  
11 the bridge such that the sufficiency rating exceeds eighty, has been  
12 secured in a dedicated account by the owner of the bridge.

13 (b) For county-owned bridges, the county road administration board  
14 shall withhold fifteen percent of the motor vehicle fuel tax revenues,  
15 as provided in RCW 36.78.090 and 46.68.120(4), to which the county is  
16 entitled, until forty percent of the estimated cost to replace the  
17 bridge, or to repair or rehabilitate the bridge such that the  
18 sufficiency rating exceeds eighty, has been secured in a dedicated  
19 account by the owner of the bridge.

20 (c) For bridges jointly owned by local jurisdictions, the state  
21 treasurer and the county road administration board shall withhold the  
22 funds identified in (a) and (b) of this subsection consistent with the  
23 parties' relative responsibility for repairs, rehabilitation, or  
24 replacement costs as provided in the interlocal agreement. If an  
25 interlocal agreement does not exist or if the interlocal agreement  
26 fails to clearly provide for the parties' responsibilities for such  
27 costs, the state treasurer and the county road administration board  
28 shall withhold equal amounts.

29 (7) If the bridge is closed without a funding plan in place that  
30 fully funds either the replacement of the bridge or the repair or  
31 rehabilitation of the bridge such that the sufficiency rating exceeds  
32 eighty:

33 (a) For city-owned bridges, the state treasurer shall withhold  
34 forty percent of the motor vehicle fuel tax revenues, as provided in  
35 RCW 46.68.110(4), to which the city is entitled, until seventy-five  
36 percent of the estimated cost to replace the bridge, or to repair or  
37 rehabilitate the bridge such that the sufficiency rating exceeds

1 eighty, has been secured in a dedicated account by the owner of the  
2 bridge.

3 (b) For county-owned bridges, the county road administration board  
4 shall withhold forty percent of the motor vehicle fuel tax revenues, as  
5 provided in RCW 36.78.090 and 46.68.120(4), to which the county is  
6 entitled, until seventy-five percent of the estimated cost to replace  
7 the bridge, or to repair or rehabilitate the bridge such that the  
8 sufficiency rating exceeds eighty, has been secured in a dedicated  
9 account by the owner of the bridge.

10 (c) For bridges jointly owned by local jurisdictions, the state  
11 treasurer and the county road administration board shall withhold the  
12 funds identified in (a) and (b) of this subsection consistent with the  
13 parties' relative responsibility for repairs, rehabilitation, or  
14 replacement costs as provided in the interlocal agreement. If an  
15 interlocal agreement does not exist or if the interlocal agreement  
16 fails to clearly provide for the parties' responsibilities for such  
17 costs, the state treasurer and the county road administration board  
18 shall withhold equal amounts.

19 **Sec. 3.** RCW 36.78.090 and 1984 c 7 s 33 are each amended to read  
20 as follows:

21 (1) Before May 1st of each year the board shall transmit to the  
22 state treasurer certificates of good practice on behalf of the counties  
23 which during the preceding calendar year:

24 (a) Have submitted to the state department of transportation or to  
25 the board all reports required by law or regulation of the board;  
26 (~~and~~)

27 (b) Have reasonably complied with provisions of law relating to  
28 county road administration and with the standards of good practice as  
29 formulated and adopted by the board; and

30 (c) Beginning by May 1, 2009, and before May 1st of each year  
31 thereafter, have been found to be in compliance with section 2(2) of  
32 this act by the department of transportation.

33 (2) The board shall not transmit to the state treasurer a  
34 certificate of good practice on behalf of any county failing to meet  
35 the requirements of subsection (1) of this section or section 2(2) of  
36 this act, but the board shall, in such case and before May 1st, notify

1 the county and the state treasurer of its reasons for withholding the  
2 certificate.

3 (3)(a) Except as provided in (b) of this subsection, the state  
4 treasurer, upon receiving a notice that a certificate of good practice  
5 will not be issued on behalf of a county, or that a previously issued  
6 certificate of good practice has been revoked, shall, effective the  
7 first day of the month after that in which notice is received, withhold  
8 from such county its share of motor vehicle fuel taxes distributable  
9 pursuant to RCW 46.68.120 until the board thereafter issues on behalf  
10 of such county a certificate of good practice or a conditional  
11 certificate. After withholding or revoking a certificate of good  
12 practice with respect to any county, the board may thereafter at any  
13 time issue such a certificate or a conditional certificate when the  
14 board is satisfied that the county has complied or is diligently  
15 attempting to comply with the requirements of subsection (1) of this  
16 section.

17 (b) The state treasurer, upon receiving a notice that a certificate  
18 of good practice will not be issued on behalf of a county for  
19 noncompliance with section 2(2) of this act, shall, effective the first  
20 day of the month after the notice is received, withhold from the county  
21 its share of motor vehicle fuel taxes distributable pursuant to RCW  
22 46.68.120(4) as directed in section 2 of this act.

23 (4) The board may, upon notice and a hearing, revoke a previously  
24 issued certificate of good practice or substitute a conditional  
25 certificate therefor when, after issuance of a certificate of good  
26 practice, any county fails to meet the requirements of subsection  
27 (1)(a) and (b) of this section, but the board shall in such case notify  
28 the county and the state treasurer of its reasons for the revocation or  
29 substitution.

30 (5) Motor vehicle fuel taxes withheld from any county pursuant to  
31 this section shall not be distributed to any other county, but shall be  
32 retained in the motor vehicle fund to the credit of the county  
33 originally entitled thereto. Whenever the state treasurer receives  
34 from the board a certificate of good practice issued on behalf of such  
35 county he shall distribute to such county all of the funds theretofore  
36 retained in the motor vehicle fund to the credit of such county.

1       **Sec. 4.** RCW 46.68.110 and 2007 c 148 s 1 are each amended to read  
2 as follows:

3       Funds credited to the incorporated cities and towns of the state as  
4 set forth in RCW 46.68.090 shall be subject to deduction and  
5 distribution as follows:

6       (1) One and one-half percent of such sums distributed under RCW  
7 46.68.090 shall be deducted monthly as such sums are credited and set  
8 aside for the use of the department of transportation for the  
9 supervision of work and expenditures of such incorporated cities and  
10 towns on the city and town streets thereof, including the supervision  
11 and administration of federal-aid programs for which the department of  
12 transportation has responsibility: PROVIDED, That any moneys so  
13 retained and not expended shall be credited in the succeeding biennium  
14 to the incorporated cities and towns in proportion to deductions herein  
15 made;

16       (2) Thirty-three one-hundredths of one percent of such funds  
17 distributed under RCW 46.68.090 shall be deducted monthly, as such  
18 funds accrue, and set aside for the use of the department of  
19 transportation for the purpose of funding the cities' share of the  
20 costs of highway jurisdiction studies and other studies. Any funds so  
21 retained and not expended shall be credited in the succeeding biennium  
22 to the cities in proportion to the deductions made;

23       (3) One percent of such funds distributed under RCW 46.68.090 shall  
24 be deducted monthly, as such funds accrue, to be deposited in the small  
25 city pavement and sidewalk account, to implement the city hardship  
26 assistance program, as provided in RCW 47.26.164. However, any moneys  
27 so retained and not required to carry out the program under this  
28 subsection as of July 1st of each odd-numbered year thereafter, shall  
29 be retained in the account and used for maintenance, repair, and  
30 resurfacing of city and town streets for cities and towns with a  
31 population of less than five thousand;

32       (4) Except as provided in section 2 of this act, after making the  
33 deductions under subsections (1) through (3) of this section and RCW  
34 35.76.050, the balance remaining to the credit of incorporated cities  
35 and towns shall be apportioned monthly as such funds accrue among the  
36 several cities and towns within the state ratably on the basis of the

1 population last determined by the office of financial management.

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