

SHB 1957 - H AMD 545

By Representative Clibborn

ADOPTED 06/25/2013

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
4 to read as follows:

5 (1) The legislature intends the department to deliver the projects
6 and activities listed in LEAP Transportation Document 2013-L1, as
7 developed June 23, 2013, as funded by new revenues provided in
8 chapter . . . (Substitute House Bill No. 1954), Laws of 2013 2nd sp.
9 sess. or chapter . . . (Senate Bill No. 5920), Laws of 2013 2nd sp.
10 sess., and for which appropriations of such funds are provided every
11 two years in the omnibus transportation appropriations act, in a manner
12 that exemplifies the stewardship goal in RCW 47.04.280.

13 (2) To allow the department the flexibility to deliver the projects
14 in the most expeditious and efficient manner, while at the same time
15 honoring the intent of the legislature under chapter . . . (Substitute
16 House Bill No. 1955), Laws of 2013 2nd sp. sess. or chapter . . .
17 (Senate Bill No. 5921), Laws of 2013 2nd sp. sess., the department's
18 stewardship in delivering the projects and activities under this
19 section is subject to the following limitations:

20 (a) The department must allocate funding to projects in a manner
21 that optimizes efficient management of project spending and delivery.
22 If the most recent engineer's estimate of a project cost differs from
23 the most recent project budget approved by the legislature by ten
24 percent or two hundred fifty thousand dollars, whichever is greater,
25 the department must seek approval before proceeding as provided in this
26 subsection (2).

27 (b) The legislative scope of a project may not be changed to a
28 material degree except:

29 (i) By the legislature; or

1 (ii) When a more efficient, less expensive, or more expeditious
2 scope would provide an equivalent functional outcome. If such an
3 alternative scope is identified, the department must seek approval
4 before proceeding as provided in this subsection (2).

5 (c)(i) To the extent possible within budgetary and financial
6 planning constraints, the department must adhere to the capital
7 delivery plan schedule adopted by the legislature and as referenced in
8 the LEAP transportation document identified in subsection (1) of this
9 section.

10 (ii) If adherence to the original capital delivery plan schedule
11 would result in failure to substantively meet the stewardship,
12 efficiency, and expediency objectives of this section, the department
13 may seek approval of reasonable changes in project scheduling so as to
14 meet the objectives as provided in this subsection (2).

15 (d) To seek approval of project changes under this subsection (2),
16 the department must submit a request to the office of financial
17 management. At the time the department submits a request to transfer
18 funds under this section, a copy of the request must be submitted to
19 the transportation committees of the legislature. The office of
20 financial management must work with legislative staff of the house of
21 representatives and senate transportation committees to review the
22 requested transfers in a timely manner.

23 (e) The department must develop by the end of each calendar quarter
24 a report with updates of any changes under (a), (b), or (c) of this
25 subsection. The report must be submitted to the office of financial
26 management and the transportation committees of the legislature.

27 (3) The legislature intends for the department to utilize a design-
28 build or similar alternative public works contracting procedure
29 whenever appropriate in highway construction, ferry vessel, or ferry
30 terminal construction contracts on projects and activities under this
31 section.

32 (4) For the delivery of projects and activities under this section,
33 the legislature intends for the department to develop a management
34 approach that minimizes the need to add additional permanent
35 engineering staff and other permanent professional staff in the highway
36 construction and ferry vessel and terminal construction programs. The
37 baseline for staffing levels should be:

1 (a) For highway construction, the full-time equivalent level for
2 such positions outlined by the secretary in the business plan for the
3 department at the end of fiscal year 2015; and

4 (b) For the ferry vessel and terminal construction program, the
5 full-time equivalent level for such positions at the end of fiscal year
6 2012.

7 (5)(a) In January of each year that precedes the next fiscal
8 biennium, beginning January 1, 2015, the department must submit a
9 report to the governor and to the transportation committees of the
10 legislature on progress made toward the delivery of all projects and
11 activities subject to this section.

12 (b) The secretary must certify to the governor and the legislature
13 the completion of the project package identified in the LEAP
14 transportation document identified in subsection (1) of this section,
15 or the most recent version approved by the legislature or the office of
16 financial management under subsection (2)(d) of this section, on the
17 date that the delivery of the projects and activities subject to this
18 section is substantively complete.

19 (6) The changes for which the department may seek approval under
20 subsection (2)(a), (b), or (c) of this section are changes to the cost,
21 scope, or schedule of a project relative to the cost, scope, or
22 schedule of the project in the LEAP transportation document identified
23 in subsection (1) of this section or the most recent version approved
24 by the legislature or the office of financial management under
25 subsection (2)(d) of this section.

26 (7) This section expires June 30, 2023, or the date the secretary
27 certifies that the delivery of the projects and activities listed in
28 the LEAP transportation document identified in subsection (1) of this
29 section, or the most recent version approved by the legislature or the
30 office of financial management under subsection (2)(d) of this section,
31 is substantively complete, whichever is later.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW
33 to read as follows:

34 (1) The department must convene three expert review panels of no
35 more than three members to provide independent financial and technical
36 review for the development of a finance plan and project implementation

1 plan for the Columbia river crossing project, the state route number
2 520 bridge replacement and HOV project, and the Alaskan Way viaduct
3 replacement project.

4 (2) The expert review panels must be selected cooperatively by the
5 chairs of the senate and house of representatives transportation
6 committees, the secretary of transportation, and the governor.

7 (3) The expert review panels must, with respect to completion of
8 the project alternatives as described in the draft environmental impact
9 statement of each project:

10 (a) Review the finance plan for the project to ensure that it
11 clearly identifies secured and anticipated funding sources and is
12 feasible and sufficient; and

13 (b) Review the project implementation plan covering all state and
14 local permitting and mitigation approvals that ensure the most
15 expeditious and cost-effective delivery of the project.

16 (4) The expert review panels must report their findings and
17 recommendations on the items described under subsection (3) of this
18 section to the transportation committees of the legislature by October
19 2013, and annually thereafter, until the projects are operationally
20 complete.

21 (5) When convening the expert review panels, the department must be
22 attentive to cost and consider ways to minimize expert review panel
23 expenditures. Anticipated expenditures related to the expert review
24 panels must be included in the panel's findings and recommendation
25 reports.

26 **Sec. 3.** RCW 47.01.300 and 2012 c 62 s 1 are each amended to read
27 as follows:

28 The department shall, in cooperation with environmental regulatory
29 authorities:

30 (1) Identify and document environmental resources in the
31 development of the statewide multimodal plan under RCW 47.06.040;

32 (2) Allow for public comment regarding changes to the criteria used
33 for prioritizing projects under chapter 47.05 RCW before final adoption
34 of the changes by the commission;

35 (3) Use an environmental review as part of the project prospectus
36 identifying potential environmental impacts, mitigation, the
37 utilization of the mitigation option available in RCW 90.74.040, and

1 costs during the early project identification and selection phase,
2 submit the prospectus to the relevant environmental regulatory
3 authorities, and maintain a record of comments and proposed revisions
4 received from the authorities;

5 (4) Actively work with the relevant environmental regulatory
6 authorities during the design alternative analysis process and seek
7 written concurrence from the authorities that they agree with the
8 preferred design alternative selected;

9 (5) Develop a uniform methodology, in consultation with relevant
10 environmental regulatory authorities, for submitting plans and
11 specifications detailing project elements that impact environmental
12 resources, and proposed mitigation measures including the mitigation
13 option available in RCW 90.74.040, to the relevant environmental
14 regulatory authorities during the preliminary specifications and
15 engineering phase of project development;

16 (6) Use available technologies to minimize permit delays for,
17 inform and interact with interested parties including relevant
18 environmental regulatory authorities regarding, and optimize the
19 effectiveness of proposed compensatory mitigation projects;

20 (7)(a) In addition to the mitigation programs specified in RCW
21 90.74.040(1)(a), the correction of fish passage barriers on city
22 streets and county roads located within the same watershed as the
23 proposed project must be considered for compensatory mitigation. The
24 department shall consult with the department of fish and wildlife, the
25 appropriate local government, and interested tribes to identify the
26 existing fish passage barriers that, upon removal, will result in the
27 greatest habitat benefit.

28 (b) The department shall submit a report to the transportation
29 committees of the legislature by December 1, 2014, regarding the use
30 and effectiveness of the mitigation option created in this subsection
31 as well as recommendations for improvements;

32 (8) Screen construction projects to determine which projects will
33 require complex or multiple permits. The permitting authorities shall
34 develop methods for initiating review of the permit applications for
35 the projects before the final design of the projects;

36 ((+7)) (9) Conduct special prebid meetings for those projects that
37 are environmentally complex; and

1 (~~(+8)~~) (10) Review environmental considerations related to
2 particular projects during the preconstruction meeting held with the
3 contractor who is awarded the bid.

4 NEW SECTION. **Sec. 4.** This act takes effect if chapter . . .
5 (Substitute House Bill No. 1954), Laws of 2013 2nd sp. sess. or
6 chapter . . . (Senate Bill No. 5920), Laws of 2013 2nd sp. sess. is
7 enacted by July 31, 2013."

8 Correct the title.

EFFECT: Makes technical corrections to a LEAP list reference; to
the session laws references; and to the revenue bill. Makes the bill
take effect only if the revenue bill is enacted.

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