
HOUSE BILL 1957

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Clibborn, Lias, Moscoso, and Fey

Read first time 02/22/13. Referred to Committee on Transportation.

1 AN ACT Relating to department of transportation project delivery;
2 adding a new section to chapter 47.04 RCW; and providing a contingent
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
6 to read as follows:

7 (1) The legislature intends the department to deliver the projects
8 and activities listed in LEAP Transportation Document 2013-1, as
9 developed March 2013, as funded by new revenues provided in
10 chapter . . . (House Bill No. . . . (H-1407/13)), Laws of 2013, and for
11 which appropriations of such funds are provided every two years in the
12 omnibus transportation appropriations act, in a manner that exemplifies
13 the stewardship goal in RCW 47.04.280.

14 (2) To allow the department the flexibility to deliver the projects
15 in the most expeditious and efficient manner, while at the same time
16 honoring the intent of the legislature under chapter . . . (House Bill
17 No. . . .(H-1407/13)), Laws of 2013, the department's stewardship in
18 delivering the projects and activities under this section is subject to
19 the following limitations:

1 (a) The department must allocate funding to projects in a manner
2 that optimizes efficient management of project spending and delivery.
3 If the most recent engineer's estimate of a project cost differs from
4 the previous engineer's estimate of the project cost by ten percent or
5 two hundred fifty thousand dollars, whichever is greater, the
6 department must seek approval before proceeding as provided in this
7 subsection (2).

8 (b) The scope of a project may not be changed to a material degree
9 except:

10 (i) By the legislature; or

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

15 (c)(i) To the extent possible within budgetary and financial
16 planning constraints, the department must adhere to the capital
17 delivery plan schedule adopted by the legislature and as referenced in
18 the LEAP transportation document identified in subsection (1) of this
19 section.

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

25 (d) To seek approval of project changes under this subsection (2),
26 the department must develop by the end of each calendar quarter a
27 report with updates of any changes under (a), (b), or (c) of this
28 subsection. The report must be submitted to:

29 (i) The legislature, if the legislature is in or will be in session
30 within two weeks of the end of the quarter; or

31 (ii) The office of financial management. The office of financial
32 management must consult with the joint transportation committee before
33 any approval under this subsection.

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

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

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

10 (b) For the ferry vessel and terminal construction program, the
11 full-time equivalent level for such positions at the end of fiscal year
12 2012.

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

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

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

32 (7) This section expires June 30, 2023, or the date the secretary
33 certifies that the delivery of the projects and activities listed in
34 the LEAP transportation document identified in subsection (1) of this
35 section, or the most recent version approved by the legislature or the
36 office of financial management under subsection (2)(d) of this section,

1 is substantively complete, whichever is later.

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