



Washington State Association of County Engineers

Legislative Update #2

2012 Legislative Session – Day 15

January 23, 2011

Where we are today...

As anticipated, the Governor's proposed transportation revenue bill was dropped.

[HB 2660](#), Addressing Transportation Revenue, establishes a \$1.50 per barrel transportation related petroleum fee that would be dedicated to maintenance and preservation of the state transportation system.

The passenger vehicle weight fee is increased by \$15 and is distributed to the State Patrol Highway Account, the Transit Service Mitigation Account (new account), the County Arterial Preservation Account, the Transportation Improvement Account and the Small City Pavement Account.

The funding to be allocated to counties will go into the County Arterial Preservation Account and be distributed as current CAPA revenue is distributed. The preliminary estimate is that the increased revenue will double the amount currently received by each county. [Feedback on the impact to your county would be appreciated.](#)

[SB 6406](#), Modifying programs that provide for the protection of the state's natural resources, was also introduced late last week. The bill is comprised of three parts with Part I addressing hydraulic project approvals (HPA), Part II addressing forest practice approvals (FPA), and Part III addressing the state environmental policy act (SEPA).

The changes to HPA procedures include revisions to WDFW jurisdiction that would require an HPA for projects that have project components within the ordinary high water line (OHWL) and project components adjacent to the OHWL (either within 50 feet or 200 feet depending on water body type).

Certain defined projects outside the OHWL, but with no project component within the OHWL, would be required to submit an application but would not be required to obtain a permit if the project did not adversely affect fish life. The determination would have to be made by the WDFW director within 60 days of application.

The certain defined projects include A) a new dike or levee within the one hundred year floodplain; (B) repair or maintenance of an existing bridge, dike, or levee adjacent to the ordinary high water line; (C) a new or replacement bridge that crosses waters of the state; (D) a shoreline or streambank protection

project adjacent to the ordinary high water line; (E) an outfall that discharges to waters of the state; (F) mineral prospecting not covered under the gold and fish pamphlet authorized by RCW 77.55.091 adjacent to the ordinary high water line; or (G) stream channelization adjacent to the ordinary high water line.

The HPA process would also be subject to a fee. The proposed fees are similar to fees proposed in the last year's legislative session but did not pass. Please take time to review the proposed bill and provide feedback, and in particular, please provide examples of projects that will be affected by this legislation.

If you have any questions related to specific legislation, please contact Gary Rowe at growe@wacounties.org or by calling (360) 770-7766.

Also, please check the WSAC Legislative and Policy Center ([click here](#)) for updates on the WSAC legislative priorities.

Upcoming Committee Hearings..

01/24/2012	S Ag/Water/RED	SHR 3 @ 1:30 PM	Public Hearing - SB 6303 - Authorizing an optional system of rates and charges for conservation districts.
	S Transportatn	SHR 1 @ 3:30 PM	Public Hearing - SB 6032 - Imposing a fee on each new tire sold that contains studs. Public Hearing - Z-0987.1 - Addressing transportation revenue.
	H Trans	HHR B @ 3:30 PM	Public Hearing - HB 2660 - Addressing transportation revenue.
01/25/2012	H Local Gov.	HHR E @ 1:30 PM	Public Hearing - HB 2591 - Regulating fire hydrant services provided by local governments. Public Hearing - HB 2602 - Establishing a joint select committee on junior taxing districts.
	H LaborWorkforceDev	HHR C @ 1:30 PM	Public Hearing - HB 2669 - Concerning the definitions of "contractor" and "subcontractor" for the purposes of prevailing wages on public works.
	H Trans	HHR B @ 3:30 PM	Public Hearing - HB 2370 - Including health in the state transportation system policy goals. Public Hearing - HB 2455 - Concerning the covering of loads on public highways.
	S Transportatn	SHR 1 @ 3:30 PM	Public Hearing - SB 6064 - Authorizing regional transit authorities to use the job order contracting procedure. Public Hearing - SB 6093 - Regarding wetlands

			mitigation.
01/26/2012	HEnviron	HHR C @ 08:00 AM	Exec Session - HB 2253 - Modernizing the functionality of the state environmental policy act.
	HState Govt	HHR E @ 10:00 AM	Exec Session - HB 2328 - Addressing job order contracting. Exec Session - HB 2327 - Addressing alternative public works. Public Hearing - HB 2276 - Regarding administrative procedures that promote accountability, transparency, and economic relief. Public Hearing - HB 2327 - Addressing alternative public works. Public Hearing - HB 2328 - Addressing job order contracting.
	HTrans	HHR B @ 3:30 PM	Public Hearing - HB 2430 - Increasing the allowable maximum length for vehicles operated on public highways.
	HState Govt	HHR E @ 6:00 PM	Exec Session - HB 2172 - Changing agency regulatory practices.

Detailed Bill Information...

SHB 1173	Small works roster	Kenney
Revises small works roster contracting procedures and the limited public works process.		
Allows contracts less than \$35,000 be awarded to a new subcategory of microbusinesses with less than \$1 million in annual revenue. Also establishes a subcategory of minibusinesses with annual revenue between \$1 million and \$3 million. Small businesses are less than \$7 million annual revenue. Allows awarding of contracts to small businesses through the limited small works roster process and allows further procedures to encourage awarding projects to micro and minibusinesses.		
SHB 1279	Traffic safety/intersections	Ladenburg
Modifies traffic safety provisions relating to: (1) The duration of a yellow change interval at traffic control signals; (2) Requirements for signage, reporting, and analyzing proposed locations for automated traffic safety cameras; (3) Limitations on how and when infractions may be issued; (4) Compensation for camera vendors; and (5) Use of revenue from infractions.		
HB 1441	Surplus trans. property	Shea
Allows a former owner of certain real property to repurchase the property if the department of transportation determines the property is no longer necessary for a transportation purpose.		
ESHB 1469	Landscape conservation	Springer
Addresses landscape conservation and local infrastructure relating to: (1) Designation of agricultural and forest lands and rural zoned lands as sending areas; (2) Transfer of development rights to receiving areas; (3) Allocation among local governments of transferable development rights; (4) Development plan for infrastructure; (5) Quantitative and		

qualitative performance measures; (6) Local infrastructure project areas and project financing; (7) Participating taxing districts; (8) Property tax revenues to pay or finance costs of public improvements; and (9) Comprehensive plan optional elements.		
SHB 1516	State ferry system management	Morris
Modifies state ferry system management provisions by: (1) Strengthening performance incentives for Washington state ferries managers; (2) Increasing the accountability and transparency of ferry management and operations; (3) Improving service to ferry riders; and (4) Realizing cost savings in the ferry system. Requires the Washington state ferries to meet or exceed the target performance level for seventy-five percent of the performance criteria under section 2(2) of the act. Requires performance targets to be established by an ad hoc committee. Requires the department of transportation to: (1) Complete a performance report that provides a baseline assessment of current performance using final 2009-2011 data, by October 1, 2011; and (2) Complete a performance report for the prior fiscal year, by October 1, 2012, and each year thereafter. Prohibits a collective bargaining agreement from allowing department of transportation Washington management services managers or exempt management services managers to belong to the same bargaining unit representing employees whom the managers supervise.		
HB 1536	Congestion reduction charge	Liias
Provides public transit agencies with a temporary tool, in the form of a congestion reduction charge, to help address their revenue shortfalls during this economic crisis and allow them to continue reducing congestion on some of the state's most crowded corridors.		
SHB 1781	Alternative fuel vehicles	Pearson
Delays the requirement that state agencies must satisfy a certain percentage of their fuel use for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel. Exempts certain first response and emergency-related vehicles from the fuel use requirements.		
ESHB 1885	Natural environment programs	Moscoco
Addresses the administration of programs affecting the natural environment relating to the duties of the conservation commission, the parks and recreation commission, the Puget Sound partnership, and the departments of ecology, agriculture, fish and wildlife, and natural resources.		
HB 1900	Continuing ed for engineers	Stanford
Requires professional engineers to complete continuing professional development requirements before renewal of a certificate of registration. Authorizes the director of the department of licensing to set fees to cover the costs of administering the continuing professional development requirement.		
SHB 1915	Local govt public works	Dunshee
Modifies provisions relating to state assistance for financing local government public works. Changes the composition and duties of the public works board. Changes the composition and duties of the community economic revitalization board. Changes the functions of the public works assistance account.		
Removes provisions related to distributing public utility and solid waste collection tax revenues to counties and the use of those revenues at the local level. Allows any local government to pursue a contingent loan agreement with the State Treasurer and a related loan from the Public Works Board. Removes provisions authorizing the Board to make grants. Maintains the addition of flood control levees to the list of eligible public works projects. Removes streets, roads and bridges from the current law list of eligible public works projects. Retains the current law requirement that the annual construction loan list receive legislative approval. Maintains the list of new conditions that local governments must meet, and adds a further condition: on public works project for which an investment grade audit is available, the local government must have received such an audit in order to be eligible for a loan or contingent loan agreement. Removes the requirement that the Board consider a project's energy efficiency, LEED-certification or green building status when prioritizing projects. Removes provisions authorizing ongoing appropriations from the Account to the DOE programs. Retains current law terminology such as "public works		

project" rather than "infrastructure project". Retains the membership changes on the Board and CERB.		
HB 2152	Plats	Angel
Clarifies timelines associated with plats.		
Legislation adopted in 2010 (Substitute Senate Bill 6544, enacted as ch. 79, laws of 2010) temporarily extended time limitations associated with final plats and subdivisions from five to seven years. The temporary extension will expire on December 31, 2014. This bill repeals this legislation and establishes a seven year time limit from preliminary to final plan and five year time limitation for final plat improvements.		
HB 2168	Capital sup budget 2011-13	Dunshie
Funds capital projects.		
No changes are made to the Public Works Assistance Account funding levels. The bill sponsor has asked cities to prepare a list of projects to potentially be funded through a bond package to promote job creation.		
HB 2172	Agency regulatory practices	Probst
Modifies agency regulatory practices provisions relating to regulating agencies contributing to a culture of professionalism and cooperation by providing assistance in complying with state and federal laws, rules, and regulations.		
Adds requirements to regulatory agencies regarding technical assistance visits and first-time small business violations. Requires the Office of Regulatory Assistance to develop customer service surveys for regulatory agencies. Requires the Office of Regulatory Assistance to appoint a small business advocate. Adds requirements to regulatory agencies regarding technical assistance visits and first-time small business violations. Requires the Office of Regulatory Assistance to develop customer service surveys for regulatory agencies. Requires the Office of Regulatory Assistance to appoint a small business advocate.		
HB 2182	Vehicle headlights & wipers	Appleton
Requires vehicles to display lighted headlights at any time when the vehicle's windshield wipers are in use due to snow, rain, fog, or other sight-limiting atmospheric conditions.		
HB 2190	Trans sup budget 2011-13	Clibborn
Makes 2011-2013 supplemental transportation appropriations.		
Makes adjustments to Rural Arterial Project funding by increasing from \$37.4 million to \$62.5 million. This allows spending and reimbursement for existing projects and any new projects funded during the biennium.		
SHB 2223	Undergr. utility damage act	Takko
Changes the effective date of RCW 19.122.130 (utilities and transportation commission to contract with nonprofit entity--safety committee--review of violations). Authorizes the safety committee to pass bylaws and provide for those organizational processes that are necessary to complete the safety committee's tasks.		
Requires early implementation of the safety committee established by SHB 1634, regarding underground utilities, passed last year.		
HB 2253	SEPA	Fitzgibbon
Modifies provisions relating to the functionality of the state environmental policy act. Creates the categorical exemption board to ensure that categorical exemptions and the environmental checklist process are updated periodically to reflect current conditions, to reduce duplicative rules and regulations, and to contain avoidable costs while still meeting environmental review objectives.		
HB 2276	Administrative procedures	Taylor
Establishes the regulatory freedom and accountability act. Suspends certain agency rule making. Requires agencies, before adoption of a rule, to determine whether compliance with the rule will result in a specified economic impact. Prohibits agencies from issuing fines or imposing penalties under certain circumstances. Authorizes the adoption of only rules derived from a specific grant of legislative authority. Ensures that all laws and rules adopted by the federal		

and state governments are firmly grounded in their respective constitutions.		
HB 2280	Motor vehicles/yellow dot	Moeller
Requires the director of the department of licensing to implement a voluntary yellow dot program to assist owners and lessees of motor vehicles and their passengers, emergency medical responders, and law enforcement personnel in the event of a motor vehicle accident, a medical emergency, or any other interaction involving emergency medical responders or law enforcement personnel.		
HB 2286	Dept. of fish and wildlife	Blake
Prohibits the department of fish and wildlife, without prior express direction from the legislature, from: (1) Officially entering into a habitat conservation plan, or other multiyear agreement with the federal government under the endangered species act, for the hydraulics project approval program that commits the state to future action or constrains future state options; and (2) Finalizing rule-making processes related to the hydraulic project approval program that is or was funded in part or whole by a grant from any branch of the federal government.		
HB 2327	Alternative public works	Haigh
Modifies alternative public works provisions relating to: (1) Uses of the design-build procedure; and (2) The request for qualifications documents and the public solicitation of proposals to include the firm's outreach plan to include small, economically and socially disadvantaged businesses and state-certified minority and women business enterprises.		
HB 2328	Job order contracting	Dammeier
Modifies provisions relating to job order contracting.		
HB 2338	New storm water requirements	Fagan
Delays new storm water requirements to provide fiscal relief to cities and counties during periods of economic downturn.		
HB 2370	State transportation system	Billig
Expands the existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system to include the health of the state's citizens.		
HB 2390	Municipal storm water permit	Hurst
Increases the term for reissued municipal storm water general permits to three years.		
HB 2430	Vehicle maximum lengths	Overstreet
Changes the allowable maximum length for vehicles from forty feet to forty-six feet.		
HB 2455	Covering loads on highways	Kagi
Requires a vehicle operating on a paved public highway with a load of rocks, susceptible to being dropped, spilled, leaked, or otherwise escaping, to be covered. Prohibits a load of dirt, sand, rocks, or gravel from exceeding the freeboard within the bed.		
HB 2465	Property tax revenue limit	Moeller
Revises the definitions of "inflation" and "limit factor" for purposes of chapter 84.55 RCW (limitations upon regular property taxes). Provides for submission of the act to a vote of the people.		
HB 2488	Class A biosolids/municipal	Green
Excludes from the definition of "turf fertilizer," for purposes of chapter 15.54 RCW (fertilizers, minerals, and limes), commercial fertilizers derived solely from organic materials or organic-based products where the phosphorus component is derived solely from class A, exceptional quality biosolids or biosolid products.		
HB 2529	Tax expenditure reform	Carlyle
Expires all nonconstitutionally required tax expenditures that are not already subject to expiration by June 30, 2020.		
HB 2540	Paint stewardship program	Goodman

Creates an architectural paint recovery program that is enforced by the department of ecology. Creates the paint product stewardship account. Provides that the act is void if a federal law takes effect establishing a national program for the collection and recycling of architectural paints.		
HB 2575	Transportation revenue	Armstrong
Prohibits state government from diverting gas taxes and toll revenues in the motor vehicle fund and other funds to any other funds to be used for nontransportation purposes. Requires tolls to be dedicated to the project in which the tolls are paid, ends such tolls when the project is completed, and only allows such tolls to be used for purposes consistent with Article II, section 40 of the state Constitution.		
HB 2591	Fire hydrant services	Eddy
Affirms the authority of water-sewer districts, and cities and towns operating waterworks systems, to provide fire hydrant services and finance the cost of these services through adopted rate systems.		
HB 2597	Salmon recovery efforts	Stanford
Provides immunity from liability to a landowner for personal injury, death, or property damage from the use of the landowner's land by: (1) A person conducting a fish habitat improvement project using state or federal money for the purpose of building the project; or (2) A participant in a state or federally funded watershed or stream restoration or enhancement program. Provides immunity from liability to an operator, timber owner, or landowner for damages resulting from: (1) Certain fish habitat improvement projects; or (2) Leaving large woody debris within state waters for certain purposes.		
HB 2602	Junior taxing districts	Eddy
Creates a joint select committee on junior taxing districts to review junior taxing districts for the purpose of evaluating their provided services and making recommendations regarding their appropriateness for consolidation into a city or county.		
HB 2660	Addressing transportation revenue	Clibborn
Summary information attached		
HB 2665	Streamlining the process for the vacation of roads by counties.	Parker
Removes the requirement for the county engineer to report to the legislative body on a road vacation petition.		
HB 2669	Concerning the definitions of "contractor" and "subcontractor" for the purposes of prevailing wages on public works.	Ormsby
Revises the definition of contractor and subcontractor to include successor entities so that responsibility for prevailing wages would be maintained.		
2SSB 5128	Statewide trans. planning	Haugen
Allows more flexibility to organize the transportation planning process across modes and jurisdictions by providing policy direction on the desired outcome and eliminating statutory requirements that may impede the efficacy of statewide transportation planning.		
SSB 5188	Traffic control signals	Becker
Harmonizes and makes uniform certain legal provisions relating to traffic control signals.		
2SSB 5250	Design-build procedure	Haugen
Modifies provisions relating to the design-build procedure for certain projects.		
SB 6011	Hydraulic project permit fee	Ranker
Authorizes the department of fish and wildlife to charge an application fee for applications for hydraulic project permits to recover the costs for processing permit applications. Creates the hydraulic project approval account.		

Establishes a flat \$150 application fee for all HPAs.		
SB 6014	Storm water management	Ranker
Requires the department of ecology to submit a report to the appropriate standing committees of the legislature regarding management of storm water discharging to marine waters.		
SB 6032	Studded tire damage costs	Kohl-Welles
Imposes a five-dollar fee on the sale of each new tire sold that contains studs. Requires the department of revenue to collect on the business excise tax return from the businesses selling new tires that contain studs at retail the number of tires sold and the fee.		
SB 6045	Govt expenditure limitations	Benton
Modifies provisions relating to limitations on expenditures.		
SB 6063	Public improvement contracts	Nelson
Addresses public improvement contracts involving transit facility projects funded, in whole or in part, by federal transportation funds.		
SB 6064	Regional transit authorities	Kline
Authorizes regional transit authorities to use the job order contracting procedure.		
SB 6081	Ferry replacement surcharge	Haugen
Authorizes certain counties and ferry districts to impose a vessel replacement surcharge on ferry fares sold.		
SB 6093	Environmental mitigation	Haugen
Pairs required investments in compensatory environmental mitigation, including the mitigation of transportation projects, with certain existing programs that enhance natural environmental functions. Creates the riparian and aquatic resources enhancement account.		
SB 6110	County sewerage systems	Carrell
Clarifies when a fee can be imposed by a city or town on a county in connection with a county's operation of a sewerage system.		
SB 6130	SEPA	Rolfes
Modifies provisions relating to the functionality of the state environmental policy act. Creates the categorical exemption board to ensure that categorical exemptions and the environmental checklist process are updated periodically to reflect current conditions, to reduce duplicative rules and regulations, and to contain avoidable costs while still meeting environmental review objectives.		
SB 6297	Salmon & steelhead spawning	Chase
Requires the department of fish and wildlife to prohibit activities that harm or disturb spawning beds of salmon and steelhead and other fish on rivers and streams where spawning activities occur.		
SB 6303	Conservation districts	Nelson
Authorizes the imposition of an optional system of rates and charges for conservation districts.		
SB 6329	Shoreline management act	Stevens
Streamlines the shoreline management act to avoid duplicative review.		
SB 6372	Reducing nontax administration costs associated with the conduct of city and county operations.	Swecker
Makes several changes that affect local governments by reducing requirements for audits, changing arbitration requirements, requiring training and incentives for using low impact developments standards, allowing evidence of seat belt usage in civil actions, a review of public health services and funding, and changes in public notice requirements.		

SB 6406	Modifying programs that provide for the protection of the state's natural resources.	Hargrove
<p>Makes changes to the hydraulic project approval process (Part I), the forest protection permit (Part II) and SEPA process (Part III). The HPA changes include changes to jurisdiction definition by requiring permits for projects that have components within and adjacent to the OHWL. Certain projects located adjacent of the OHWL but with no components within the OHWL would be required to apply and then after a review and determination by WDFW may be required to apply for a permit. The HPA process changes also include new fees and enforcement provisions. Part II consolidates the HPA requirements into the FPA process. Part III provides a process to change SEPA threshold requirements.</p>		
SB 6409	Establishing a joint safety rest area demonstration project.	Benton
<p>Authorizes and establishes a process for the development of a WSDOT rest area through a public-private partnership.</p>		
SB 6410	Concerning restrictions on the collection of sales tax by transportation benefit districts.	Benton
<p>Allows non-residents of transportation benefit districts to be exempt from paying sales tax to the district on sales made within the district.</p>		