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APWA WA | 2019 CONFERENCE

APRIL 23-26, 2019 | TACOMA CONVENTION CENTER

Inside: Updates from the Government Affairs Committee | SDOT Response Team



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# INTENTION creates reality

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APRIL 23–26, 2019 | TACOMA CONVENTION CENTER

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*Join us at the Tacoma Convention Center for the WA-APWA Spring Conference, April 23 through 26, 2019.*

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Lorelei Williams, 2019 Chapter President



# A Focus on Intention

Welcome to 2019! I am excited and grateful to be your 2019 APWA Washington State Chapter President. There is much going on in our profession, between critically aging infrastructure, an economic condition for construction that challenges our resources (both financial and workforce), and climate change that threatens to drastically change the world we live in: each and every one of us has a lot going on.

In the midst of all of this, it is difficult to take time for the softer side of the work that we do. This is why I have made an element of that my focus for our 2019 year. I am identifying it as *Intention*.

Intention can mean a variety of things, but in this case, it means creating a basis for the outcomes that you want; a very explicit, clear intention. Setting an intention can provide a foundation that in times of struggle, disappointment, loss, or fear, you can return to and use to ground yourself. It can be transformative, because the intention that you identify and commit to wholeheartedly can be much more readily achieved. It can be eye-opening, too, because even while they cannot consciously recognize it, others can tell whether your intention is genuine or not; whether it is for the good of all or just for your own personal benefit.

For all these reasons and more, I invite you this year to commit to an intention. What do you truly want for your organization? What goal is critical to achieve? How can you represent what you want to see in our world? Ask yourself these types of questions and then identify and commit to your intention. Set your path.

Meanwhile, I will share my intention for our chapter this year, which is that we all commit to what is bigger than

*“Setting an intention can provide a foundation that in times of struggle, disappointment, loss, or fear, you can return to and use to ground yourself.”*

our individual selves, what is the heart of our chapter, and of the enormous world of public works – that we commit to the good of the whole. We will have so many opportunities to do this, most notably when the National APWA

conference (PWX) visits our state in September. Let’s show everyone what this chapter is made of – heart, soul, and commitment to public works.

I cannot wait to see what we all make of this year! 

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# Washington State Chapter APWA 2019 Calendar of Events

## BOARD MEETINGS

Contact Lorelei Williams at [lorelei.williams@seattle.gov](mailto:lorelei.williams@seattle.gov)

### April 24

Tacoma Convention Center, 7:00 am

### June 25

Central Washington University-Ellensburg campus, 9:00 am

### October 2

Location TBD (likely Yakima), 9:00 am

## NATIONAL PUBLIC WORKS WEEK

May 19–25, 2019

## PUBLIC WORKS INSTITUTE

Call John Ostrowski at 360-573-7594 or email him ([ostrowj@pacifier.com](mailto:ostrowj@pacifier.com)). NWPI classes are held at the Holiday Inn in Issaquah. Maximum class size is 40 students. Cost is \$500 per workshop per student and includes breakfast and lunch on all four days.

## 2018 NWPI CLASSES

**Developing Leaders**  
May 7–10, 2019

**Public Works Leadership Skills**  
September 17–20, 2019

## TRAINING EVENTS

<http://washington.apwa.net>

**Purchasing and Contracting Essentials Workshops**

9:30 am to 3:30 pm

March 18 – Sequim

April 18 – Everett

May 15 – Quincy

May 21 – Tacoma

## CM Committee

**Inspector Training Workshop**

8:00 am to 5:00 pm

March 21–22 – Redmond

## PWX THE BEST SHOW IN PUBLIC WORKS

[www.apwa.net](http://www.apwa.net)

**September 8–11, 2019**

Seattle, WA

Seattle Convention Center, WA

**August 30 – September 2, 2020**

New Orleans, LA

## CHAPTER CONFERENCES

[www.apwawaconf.com](http://www.apwawaconf.com)

### 2019

**Spring: April 23–26**

Tacoma Convention Center

### 2020

**Spring: April 14–17**

Vancouver Hilton

**Fall: October 6–9**

Davenport Grand Hotel – Spokane

**For all Chapter Conferences, please contact the following for the specialty areas:**

**Being a sponsor?**

Contact Molly Toy, [mtoy@hwlochner.com](mailto:mtoy@hwlochner.com)

**Being an exhibitor?**

Contact Kelly Robinson at [kelly.robinson@abam.com](mailto:kelly.robinson@abam.com)

**Being a speaker?**

Contact Jon Davies, 206-505-3400 or [jon.davies@bhccconsultants.com](mailto:jon.davies@bhccconsultants.com)



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# New and Returning Members

November 2018 through January 2019

- Frank Adams**, Director of Client Services, Krazan & Associates
- Tobin Bennett-Gold**, Traffic Engineer, Kenmore
- Richard J. Blair**, PE, Deputy Public Works Officer, NAVFAC NW, Department of Navy
- Lea Bonebroke**, Engineer II Capital Projects, Shoreline
- Keri R. Burchard-Juarez**, PE, PMP, Branch Deputy Director, Seattle
- Gary W. Christiansen**, Water Source Control Supervisor, Seattle
- Donnelle Dayao**, Project Manager, Lake Forest Park
- Drena Donofrio**, Senior Civil Engineer, Seattle
- Cole Elliott**, Development Services Manager, Federal Way
- Joseph Farah**, PE, Renton
- Tim Fife**, County Engineer, Lewis County
- Scott Gage**, Program Coordinator, Clark County Public Works
- Denita Harden-Patton**, Contract Administrator, Kitsap County
- Jason Hoeye**, RM Supervisor, Snohomish County
- Richard L. Johnson**, Drainage Wastewater Rep., Seattle
- Cassie Kendall**, Contract Administrator, Kitsap County
- Tiffany Knapp**, King County Wastewater Treatment Division
- Matt Larson**, Sr. Project Engineer, Auburn
- Betsy Lyons**, Creek Culvert Program Manager, Seattle
- Skylar Masters**, Construction Management Specialist, Kelso
- Jeffrey J. McCowen**, Engineer Tech, Columbia County
- Josh Metcalf**, Director, Lewis County
- Lawrence Morris**, Operations Manager, Port Townsend
- Amy Mustard**, Regional Sales Manager, Layfield Group Ltd.
- Cory Nau**, Engineer I – SW, Shoreline
- Blake Everett Lewis Nelson**, BergerABAM
- Ryan Peterson**, Transportation Specialist, Snohomish County
- David Stephen Prinzhorn**, P.E., Senior Discipline Engineer, Coffman Engineers

- Ahmad M. Qayoumi**, AEE, Public Works Director, Clark County Public Works
- Brian Reid**, Operations Manager, Port Townsend
- Jana Roy**, BDC Manager, BergerABAM
- Holly Scarlett**, Planner, Seattle
- Kaci Spurlock**, Program/Procurement Specialist, Washougal
- Donald E. Sullivan**, BergerABAM
- Shailee P. Sztern**, Seattle
- Scott Richard Takacs**, Fleet Manager, Clallam County
- Wayne K. Tate**, Operations Supervisor, Columbia County
- Susan Timm**, Public Works Assistant, Milton
- Dale Valliant**, PW Supervisor II, Snohomish County
- Jane Vandenberg**, Civil Engineer 3, Pierce County Public Works & Utilities
- Josh Venters**, Engineering Business Manager, Layfield Group Ltd.
- Tom Wachholder**, East Wenatchee
- Nytasha Walters**, Transportation Services Manager, Shoreline
- Eric Wheatley**, Street/Stormwater Superintendent, Port Angeles
- Katie Charlotte Wingrove**, Engineer, Herrera
- Kerri M. Wittman**, SR/WA, PMP R of W Agent 2, Pierce County Planning & Public Works



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## Conference Highlights

- » **KEYNOTE PRESENTATION**  
Krista Petty Raimer
- » **HOT SHOP: TECHNOLOGY SOLUTIONS**  
Learn about new technology in this "speed date" set up
- » **TECHNICAL TOUR**  
April 24, 9AM - 11AM, Oldcastle Infrastructure  
Product Education and Plant Tour - Auburn, WA  
Sponsored by Concrete Pipe Northwest
- » **BLOOD DRIVE**  
Partnering with Bloodworks NW  
April 24, 9AM - 3PM
- » **GOLF TOURNAMENT**  
Meadow Park Golf Course  
April 23, 12PM  
Proceeds benefit APWA Scholarships
- » **TWO DAYS OF EDUCATION**  
Earn CE credits, April 24 & 25
- » **PROJECT OF THE YEAR BANQUET**  
Recognizing excellence in public works
- » **EXHIBIT HALL - OVER 100 VENDOR SPACES**  
For more details: [www.apwawaconf.com](http://www.apwawaconf.com)
- » **APWA GIVES BACK**  
**Efforts to support the National Multiple Sclerosis Society**  
The vision of the National Multiple Sclerosis Society is one of a world free of MS. Their goal is to stop MS in its tracks, restore what has been lost, and end MS forever.



# SESSION preview



**THURSDAY**

*April 25, 2019*

## Krista Petty Raimer

**Keynote Speaker:** Krista Petty Raimer, Corporate Leadership Coach  
***INTENTION AS A SOURCE AND FORCE***

Intention is a powerful force - one that can be honed, cultivated, and wielded as skillfully by an individual, as it can be by many at once. To work, to interact with colleagues and clients, to engage with the communities you serve, while being guided by intention is to connect with **WHY** we do what we do, and can be a deep source of sustainable personal and professional energy.

In this connected, engaging, and experiential keynote address, Krista Petty Raimer will introduce you to the power of intention, offer several ways to identify your own personal intention to support you in both your personal and professional life, and then engage you in ways to explore the intersection between your personal intention, and those of the people, communities, and organizations around you.

*The*  
**PROJECT  
OF THE YEAR**  
*Awards*

**THURSDAY**

*April 25, 2019*

APWA-WA is honoring the best of the best in Public Works with the Project of the Year Awards on Thursday, April 25th at the Tacoma Convention Center. The Project of the Year Awards recognize excellence in management and administration of successfully completed public works projects in five categories:

- Emergency / Disaster Preparedness*
- Environment*
- Historical Restoration / Preservation*
- Structures*
- Transportation*



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## **MIKE JOHNSON** *TECHNOLOGY SOLUTIONS - DRONE RODEO*

*Asset Management Specialist 3*  
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## **R. MICHAEL HALE, P.E.** *STEM: IN NEED OF DIVERSITY*

*Engineering Mentor*  
Tacoma Community College: Math  
Science & Engineering Division  
APWA Diversity Committee

In 2018, the estimate is that there will be a need for 8.65 Million workers in STEM jobs. Only "27 percent" of the people in STEM related fields are people of color. America needs to increase the diversity of its citizens entering into STEM fields in order to meet the present and future needs of its growing STEM industries.

## **VAN COLLINS** *BALANCED INDEMNIFICATION - HOW PROJECTS ARE PROSPECTIVELY BENEFITTED*

*President/CEO*  
American Council of Engineering  
Companies of Washington (ACECWA)

Indemnification clauses are generally considered necessary to compel one party to pay for future damages. However, owners generally miss the detrimental impacts one-sided clauses prospectively cause in the performance of A/E projects. Instead, projects benefit most by using unambiguous and balanced provisions, clear protection, and clear allocation of risk for negligent acts.

FOR A FULL LISTING OF ALL SESSIONS GO TO [WWW.APWAWACONF.COM](http://WWW.APWAWACONF.COM)

# session preview

## **USER CENTRIC DESIGN – YOU'RE WHAT YOU DESIGN**

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**JASMINE ARYANA, PLA, ASLA**  
*Landscape Architect* Exeltech Consulting, Inc

## **AUTONOMOUS VEHICLES (AV): REPRESENTING YOUR AGENCY, ARE YOU PREPARED?**

At the peak of its evolution of fully electrical, interconnected, and electronically controlled AV, what must public agencies do that will result in substantial safety and connectivity improvements? This change requires tremendous planning by public agencies and life adaptation by human generations.

**SAM YAGHMAIE**  
*Sr. Director*  
Harris & Associates

## **DYNAMIC EV CHARGING INFRASTRUCTURE PRIORITIZATION PROCESS**

This session will present the process used to develop a prioritization model for strategically siting Electric Vehicle Supply Equipment (EVSE) at Shared Mobility Hubs in order to increase the adoption rate of EVs by carshare and ridehailing service providers.

**AARON GOOZE**  
*Associate*  
Fehr & Peers



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**SARAH PARTAP**

*Principal, Director of Operations*  
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## **ASSET MANAGEMENT FOR FACILITIES: PLANNING FOR SUCCESS**

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**DOUG SMITH**

*Director of Engineering*  
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**PAUL PARKER**

*Deputy Director*  
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Commission

## **PLANNING AND FUNDING TRANSPORTATION - TODAY AND TOMORROW**

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## **TECHNICAL TOUR**

**WEDNESDAY**

*April 24, 2019*  
9AM - 11AM

## **OLDCASTLE INFRASTRUCTURE PRODUCT EDUCATION AND PLANT TOUR**

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<p><b>Advanced Drainage Systems, Inc.</b> 102                      Tim Snell                      509-993-0813  <i>tim.snell@ads-pipe.com</i></p>	<p><b>BergerABAM Inc.</b> 7                      Kelly Robinson                      206-431-2384  <i>kelly.robinson@abam.com</i></p>	<p><b>David Evans and Associates, Inc.</b> 111                      Grace Richardson                      425-519-6500  <i>gdv@deainc.com</i>  <i>www.deainc.com</i>                      DEA provides professional services for complex transportation, land development, energy, and water resources infrastructure projects nationwide.</p> 
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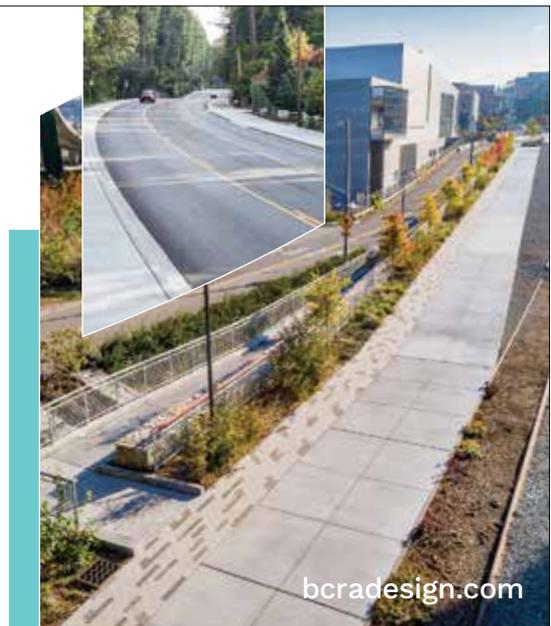
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# Contract Claim Notice Provisions Upheld By Washington Supreme Court

By William A. Linton, Inslee, Best, Doezie & Ryder, PS

In *Nova Contracting, Inc. v. City of Olympia*, 191 Wn.2d 854 (2018), the Washington Supreme Court (Court) reaffirmed long-standing legal precedent in holding that compliance with contract claim provisions is mandatory in the absence of express or implied waiver – see *Mike M. Johnson, Inc. v. Spokane County*, 150 Wn.2d 375 (2003). The Court also ruled that expectancy and consequential damages are subject to waiver for failure to comply with a contract’s claim notice provisions.

## Contractor Failed to Timely Protest the City’s Rejection of Contractor’s Submittals

The contract at issue required Nova to submit details of how the work would meet various environmental and operational requirements for replacing a failed culvert. The stream drains an environmentally sensitive area within the City of Olympia and flows into the Puget Sound. Many of the submittals were required to be approved by the

city before work could begin. Nova made several unsuccessful attempts to have its submittals approved before and after it received its notice to proceed with the work. The City of Olympia eventually notified Nova, stating it was concerned with whether Nova would be able to complete the work on time. Nova responded by complaining about the city’s processing of the proposed submittals but did not file a protest. The contract incorporated the Washington State Department of Transportation Standard Specifications (the “Standard Specifications”) that require written notice of protest whenever the contractor disagrees with a decision or determination of the contracting agency. The Standard Specifications further provide that failure to timely protest constitutes a waiver of any claims for relief under the contract.

The city then terminated Nova and assessed liquidated damages. Only after receiving the termination notice did Nova file a protest of the city’s actions. Nova

then filed suit, alleging that the City of Olympia had interfered with its ability to complete the work on time by repeatedly rejecting submittals that Nova alleged were adequate.

The city responded by filing its motion for summary judgment for the court to dismiss Nova’s claims, based in part upon Nova’s failure to meet the contract’s claim notice provisions. The trial court dismissed Nova’s claims and Nova appealed to the Washington Court of Appeals.

## Court of Appeals Agrees With Contractor

The Court of Appeals held that even though it appeared Nova had waived claims for “cost of work performed” due to the company’s failure to timely protest the city’s actions, there was a question of fact regarding whether the city had breached the duty of good faith and fair dealing by repeatedly rejecting the contractor’s submittals. The Court of Appeals reasoned that damages related to breach of the duty of good faith and fair dealing was not subject to waiver under the contract’s claim notice provisions because the contract’s claim notice provisions did not apply to “expectancy and consequential damages.” The Court of Appeals did not cite any legal precedent for this ruling.

## The Supreme Court Upholds Contract Claim Notice Provisions

The Supreme Court held that there is no exception in the contract’s claim provisions for “expectancy and consequential damages.” Standard Specification 1-04.5 states that the contractor waives “any claims for protested work” by failing to provide timely notice. The Supreme Court determined that the term “any” is broad and inclusive, meaning all and every claim based upon protested work – including claims for expectancy and consequential damages.





The Court further clarified that the duty of good faith and fair dealing is a claim based upon contract rather than equity and is therefore subject to the contract's claim notice provisions. The Supreme Court cited *Nova's* admission that its claims were based upon the city's repeated rejection of the submittals. The Court rejected *Nova's* contention that it was entitled to give notice of its claims after the city issued its termination notice, given the contract's requirement that notice is required "immediately." The Court found that the intention of the claim notice provisions was to give the city an opportunity to reconsider and possibly change some of its decisions. Allowing later notice would foreclose the possibility of reversing the city's determination. The Supreme Court reversed the Court of Appeals and reinstated the trial court's judgment in favor of the city.

**Lessons Learned From *Nova v. City of Olympia***

*Nova v. City of Olympia* confirms that claim notice provisions in public works contracts will be enforced in the absence of waiver. This case clearly reaffirms the *Mike M. Johnson* decision but also goes further. By subjecting the contractor's claims of breach of the duty of good faith and fair dealing to the requirements of the contract's notice provisions, the Court reinforced the concept that all claims related to protested work are subject to contract claim provisions, regardless of the labels attached to the claim or the terms used to describe the claimed damages.

However, it must be noted that the Court did not specifically reject equitable (non-contract) claims that could possibly override such claim provisions. The Court specifically held that the remedies associated with a breach of the duty of good faith and fair dealing were contract remedies as opposed to equitable remedies. This opens the door to possible equitable claims that transcend otherwise applicable contract provisions. One example of such an equitable remedy is an equitable claim for additional work outside of the scope of the contract. Another is the award of attorney fees to an insured for contesting coverage under an insurance policy. This happened in

*King County v. Vinci Construction*, 188 Wn.2d 618 (2017), when the county was awarded Olympic Steamship attorney fees because the bonding company contested coverage of performance bonds.

Furthermore, public owners should be on the alert for attempts to legislatively overrule cases like *Nova* and *Mike Johnson*. Such attempts were made as recently as 2018 during the legislative

session, where bills were introduced to require owners to prove that they were prejudiced (i.e., changed their legal position) as a result of the lack of notice. This type of requirement would significantly restrict the ability of public and private owners to enforce contract claim notice provisions. Thus *Nova v. City of Olympia* is probably not the final word on these subjects. ▀



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# Will the State Think Big On Culverts?

By Shannon McClelland, Legislative & Policy Analyst, Association of Washington Cities

The 2018 U.S. Supreme Court decision, which upholds a federal court order mandating, that by 2030, Washington fix its state-owned culverts blocking migratory salmon and steelhead, has received a lot of attention. Less well known is the fact that there are hundreds of culverts up and down streams intersected by state-owned culverts that, if unaddressed, will effectively make the state's investment in updating its own system incomplete at best, and ineffective at worst. On average, for every state-owned culvert, there are two downstream and five upstream culverts owned by other parties like cities, counties, railroads, and private parties.

The projected cost to fix just state-owned culverts is estimated at \$3.6 billion, a daunting amount. Addressing all culverts owned by other parties across the state's waterways could cost billions more. Why would the state legislature even consider expanding the scope of their problem rather than focusing only on their strict liability? Here, it's instructive to consider the following example: In 2017 the state fixed a culvert where Fisher Creek goes under Interstate 5 for a price of \$8.7 million. Fifty feet upstream, where the same stream crosses Cedardale Road (which is owned by Skagit County), the migratory fish face another

culvert, owned by Skagit County, which had not been updated. It is beyond that county-owned culvert, and not the state-owned one, that 14 miles of salmon habitat lies. The worst outcome would be for the state to spend billions of dollars without a coordinated and strategic approach that maximizes the benefit of that investment – a coordinated approach that provides migrating fish with a clear pathway to their habitat.

In this, the state could learn from area cities and counties that have pursued a strategic, coordinated effort on culvert removal. The Association of Washington Cities took part in reconvening the state's Brian Abbott Fish Barrier



**Cities and Counties Need:**

1. A long-term commitment from the state to a coordinated program that removes state, local, and private barriers
2. Full funding of the Brian Abbott Fish Barrier Removal Board at \$50 million



**NOT ALL CULVERTS ARE CREATED EQUAL**

Channeling a stream through a culvert can still pose a problem for fish if not properly designed.

- Too narrow a culvert will cause the stream to flow too fast
- A culvert too high above the stream bed will defy even the hardest jumpers
- Too small a culvert will be overwhelmed by storms and debris and cause flooding

Three diagrams labeled "NARROW", "HIGH", and "SMALL" showing cross-sections of culverts. The "NARROW" diagram shows a very narrow opening. The "HIGH" diagram shows a culvert with a high vertical clearance above the stream bed. The "SMALL" diagram shows a culvert with a very low vertical clearance.

Removal Board and worked with our partners to develop a systemwide approach to updating culverts. The board worked with salmon recovery regions to identify the most important watersheds to prioritize and then developed a structure to evaluate proposed culvert projects. This structure helped to determine projects with the highest ecological benefit and coordination with other investments. The first investments by the board were made in the 2018 Capital Budget. This progress is critical because neither cities nor counties have dedicated funds or existing capacity to handle the sort of financial obligation that culvert updating presents. People across the state have spent millions restoring salmon habitat for 15 years. Now, with a coordinated effort at culvert removal, we can restore access to these habitats.

Now is the time to cement that work and commit to the future of salmon and other migratory fish.

While Washington cities and counties have made progress, now is the time to cement that work and commit to the future of salmon and other migratory fish. Cities and counties need a coordinated, comprehensive, and long-term funding investment through the Brian Abbott Fish Barrier Removal Board to address these barriers.

A coordinated program can ensure that state, local, and private fish barriers are removed and access to fish habitat restored throughout our watersheds. Fish need access to streams, no matter which entity owns the barrier. A coordinated approach offers the best path to success. ▀

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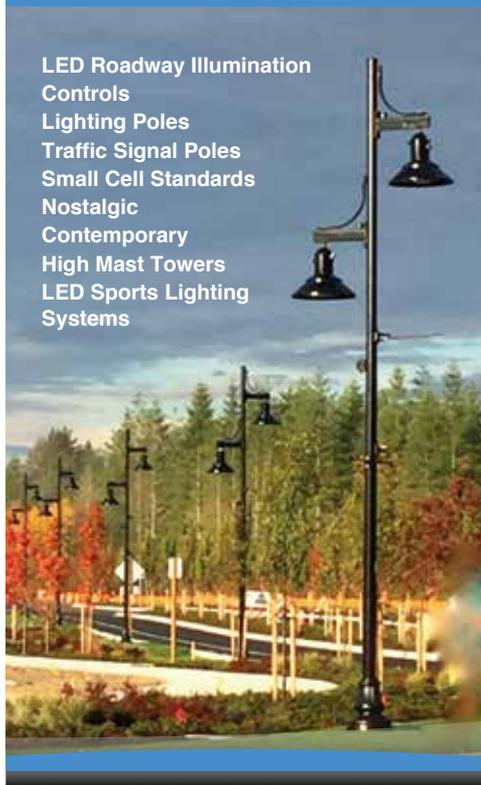


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# The 2019 Legislative Session

By Jim Rioux, Chair, AWPWA-WA Government Affairs Committee

As I make the final changes to this article, we are approaching the end of the fourth week of the Washington State Legislature's 2019 Session. The session began on January 14 and the AWPWA-WA Government Affairs Committee has been holding weekly legislative update calls since January 11. This is a budget year and the legislative session is scheduled to last 105 days, ending on April 28. As we expected, the legislature is focusing on the state's struggling mental health system, fish-passage associated with culvert replacement, and homelessness/affordable housing. There is also significant discussion about a new transportation funding package and clean energy initiatives, as well as some talk of reviving the Public Works Assistance Account.

Somewhat unexpected was a relatively large number of bills related to public works procurement. It was no surprise to see additional jurisdictions seeking the authority to use unit-price contracting. However, we are also seeing bills addressing a broad range of topics including relaxation of restrictions on the use of alternative contracting methods, increased reporting requirements for subcontractors on public works contracts, and increased thresholds for small works rosters and the limited public works process, to name a few.

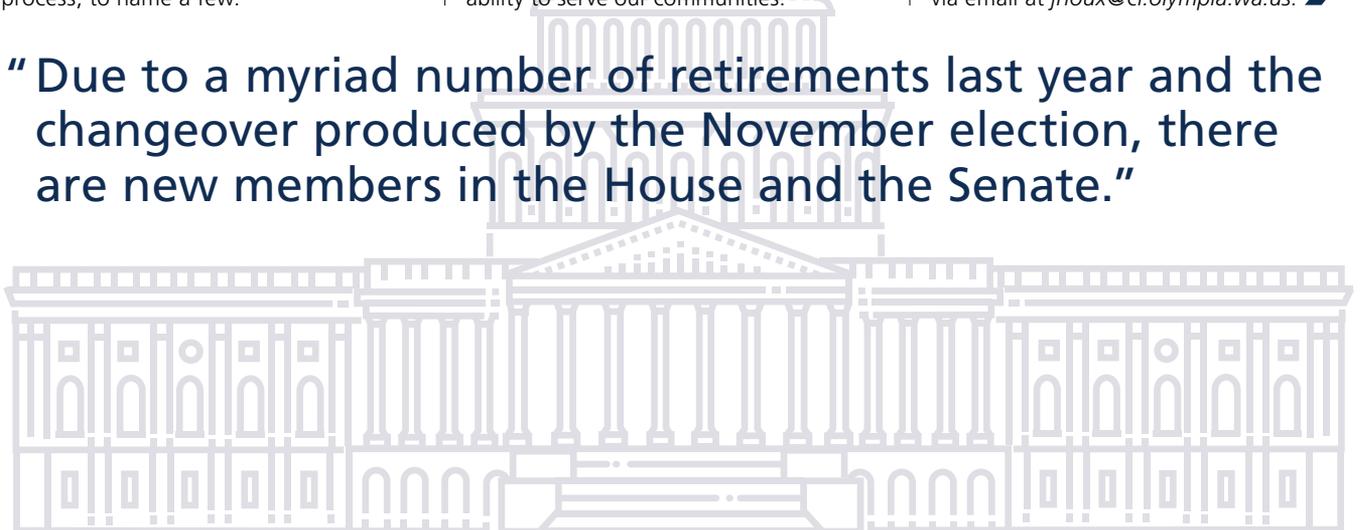
In mid-December, Governor Jay Inslee unveiled budget proposals that relied on several new taxes, including a business & occupation tax increase on services/consultants, a 9% capital gains tax, a real estate excise tax (REET) increase on luxury homes, and increased sales taxes on out-of-state internet sales (based on the U.S. Supreme Court's decision in *South Dakota v. Wayfair*). These new taxes are estimated to produce about \$3.7 billion, which would largely be spent on reshaping the state's mental health system, covering state labor costs, and meeting the state's culvert/fish passage obligations. Without these new taxes, the State of Washington is projected to have \$50 billion for the upcoming budget cycle. The Washington State Legislature held hearings on the governor's proposed budgets during the first few weeks.

A centerpiece of the governor's budget is a suite of funding proposals to protect the Puget Sound's southern resident orcas. We applaud the governor's efforts and will be paying close attention to the funding and any associated policy measures associated with this effort to ensure that legislators are aware of the impacts these efforts might have on public works and our ability to serve our communities.

Due to a myriad number of retirements last year and the changeover produced by the November election, there are new members in the House and the Senate. While the Senate committee structure is very similar to last year's, the House has several new committee chairs: The House Transportation Committee is now chaired by Rep. Jake Fey of Tacoma and the House Finance Committee is now chaired by Rep. Gael Tarleton from Seattle. The House Speaker, Frank Chopp, announced in November that he intends to step down after this session. The new Senate majority leader is Sen. Andy Billig of Spokane, and the new House minority leader is Rep. J.T. Wilcox from Pierce County.

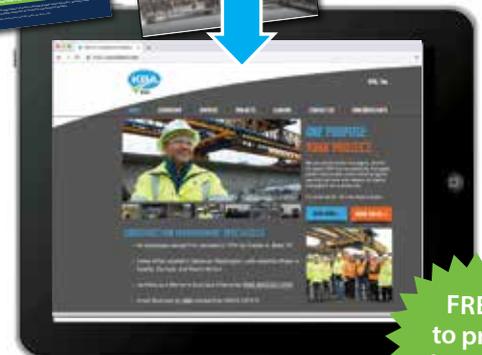
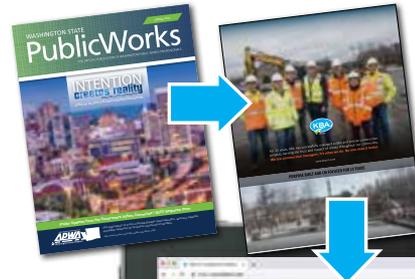
The APWA Government Affairs Committee will be tracking issues related to the budgets, infrastructure funding, contracting and procurement, and any other issues that affect the ability of our members to serve our communities and deliver public works projects. We meet every Friday at 3:00 pm via conference call to review recently introduced bills and discuss bills of interest that have hearings the following week. If you wish to participate in our weekly calls please contact Jim Rioux at (360) 753-8484 or via email at [jrioux@ci.olympia.wa.us](mailto:jrioux@ci.olympia.wa.us). ▀

**“Due to a myriad number of retirements last year and the changeover produced by the November election, there are new members in the House and the Senate.”**



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# SDOT Response Team:

## Clearing Incidents Quickly, Safely, and Efficiently

By Sonia Palma, Customer Service, Dispatch & Incident Response Manager, Seattle Department of Transportation

The City of Seattle's transportation system (SDOT) provides for the mobility of people and goods for the city's population of 713,700 residents, numerous visitors, and commuters. There are approximately 3,954 lane miles of streets within Seattle that carry an average of 874,376 vehicles each day. The arterials and bridges are key elements of the local and regional transportation infrastructure, in addition to other roads, bicycle and pedestrian facilities, ferry, and transit systems.

On Tuesday, March 24, 2015, just as the afternoon commute was getting started, the driver of a semi-truck trailer hauling salmon was traveling southbound on State Route 99 (SR99) when he lost control near the Atlantic Street off-ramp, causing the trailer to roll over on its side, thereby blocking all southbound lanes. It took about nine hours to clear this incident, which resulted in major gridlock and backups within the Seattle area. In May 2015, the City of Seattle engaged consultants to review nationwide best practices in Traffic Incident Management (TIM), to evaluate the state of TIM in the city, and to make recommendations for improvements.

SDOT's Maintenance Operations Division (MOD) had a group of Emergency Laborers who mainly assisted with emergency response and pothole filling in the evenings and overnight. In the weeks after the trailer collision, MOD made several immediate changes including switching to a 24-hour, 7 days/week response operation by adding staff as "Out-of-Class" to temporarily increase the number of employees that could provide additional

incident response capacity. MOD also started implementing more gradual changes to enhance the Seattle TIM Program. The former Emergency Laborers were trained as Incident Responders and now compose the SDOT Response Team (SRT). Traffic backups can cause exponential increases of delay times, especially because one collision can cause secondary collisions. SRT's around-the-clock services are a cost-effective investment to ensuring the city's transportation system run effectively. The Washington State Department of Transportation's (WSDOT) Incident Response Team (IRT) has provided incident response on state highways for years, yet Seattle is one of only a few American cities to provide these services on city streets.

### Setting the Stage... "Safely Clearing Roads and Helping People"

Over the last year, SDOT has reorganized its incident response. Under a new manager, Sonia Palma, who reports directly to the MOD Division Director, the SRT grew from five to nine full-time responders plus an additional radio dispatcher, added three new response trucks equipped with red lights, sirens, and digital messaging signs, for total fleet of five SRT trucks, and hired a national expert, Patricia Westsik, as the team supervisor. Patricia oversees both the newly expanded SRT and SDOT's Radio Dispatch Center.

Most recently, SDOT's Transportation Operations Center (TOC) expanded to operate 24/7 as well. Using the city's

Traffic backups can cause exponential increases of delay times, especially because one collision can cause secondary collisions. SRT's around-the-clock services are a cost-effective investment to ensuring the city's transportation system run effectively.



SRT Incident Response truck



SDOT response team

intelligent transportation system technology, TOC operators function as the eyes and ears of SDOT, sometimes spotting an incident before anyone else. The TOC coordinates with the city's radio dispatcher office to ensure the SRT knows about traffic incidents so these can be cleared quickly to keep vehicles and people moving. The Seattle Police Department (SPD) dispatchers communicate collisions and stalls to the TOC and to the radio dispatcher office. SDOT also has on-call managers who are available afterhours to assist with policy and communications on more complex incidents.

The SRT focuses on Seattle's busy arterial streets, maintaining operational readiness to respond to and expedite the safe clearance of traffic incidents, obstructions, debris, and other materials that may impede the right-of-way by working in coordination with the SPD, the Seattle Fire Department (SFD), and other agencies as necessary. All partners follow the National Unified Goal for Traffic Incident Management:

- Responder Safety
- Safe, Quick Clearance
- Prompt, Reliable, Interoperable Communications

During the October 2018 public launch of the SRT team by Seattle Mayor Jenny Durkan, SDOT Deputy Director Rodney Maxie noted the importance of recent investments in the SRT to clear streets and help people.

"Seattle is one of just a few cities to have incident response teams on city streets. One minute of incident backup here can create four to ten minutes of delay for drivers, freight, and bus riders. That adds up. Our SDOT Response Team helps keep people and goods moving during incidents, while reducing the risk of secondary collisions."

### Services Provided by the SRT

In broad terms, SRT responders safely clear obstructions from city streets, help residents and travelers with roadside assistance, and work with partners to keep city streets operating efficiently.

The team safely clear city streets by:

- Responding to vehicle collisions,
- Clearing hazmat spills created by incidents,
- Clearing streets of debris, including tree debris,
- Pushing, pulling, or dragging stalled vehicles out of travel lanes,
- Coordinating SDOT heavy equipment and sweepers to help clear larger incidents, and
- Filling potholes on an emergency basis.

The team also provides the following roadside assistance:

- Changing flat tires,
- Jumping car batteries, and
- Providing gas to stranded motorists.

Along with its partners, the SRT keeps streets operating efficiently by:

- Setting up traffic control devices (e.g., cones and large signs) to channel traffic around incidents that require time for SPD or SFD to investigate (for example, fatal crashes),
- Supporting a unified command partnership between SPD, SFD, and SDOT,
- Acting as SDOT's on-scene incident command representative,
- Providing incident status reports to the TOC, which is then shared with the public and city leaders, and

- Confirming reports of traffic signals that are reported as not working.

### Special Equipment, Tools, and Training

In order to provide these services to the public, the response vehicles are equipped with tow ropes, traffic control devices, fluorescent pink incident warning and guide signs, chainsaws (to clear tree limbs), absorbent material (to clear spills), fire extinguishers, floor jacks (to change flat tires), battery jump starters, and GoJaks, which allow one person to lift a car's tires off the ground and push the car out of the way.

SRT staff undergo special training to learn how to safely and promptly deal with collisions and other traffic incidents, such as TIM's four-hour in-person training, Washington State Patrol's defensive driving training, basic and intermediate chainsaw training, HAZMAT awareness-level training, National Incident Management System training, and Traffic Control Supervisor training.

On scene, the responders follow the guidelines available in the *Manual on Uniform Traffic Control Devices*, including Part 6: Temporary Traffic Control and Chapter 6I. Control of Traffic Through Traffic Incident Management Areas.

The SDOT Response Team has come a long way since the overturned trailer collision on SR99. ▀

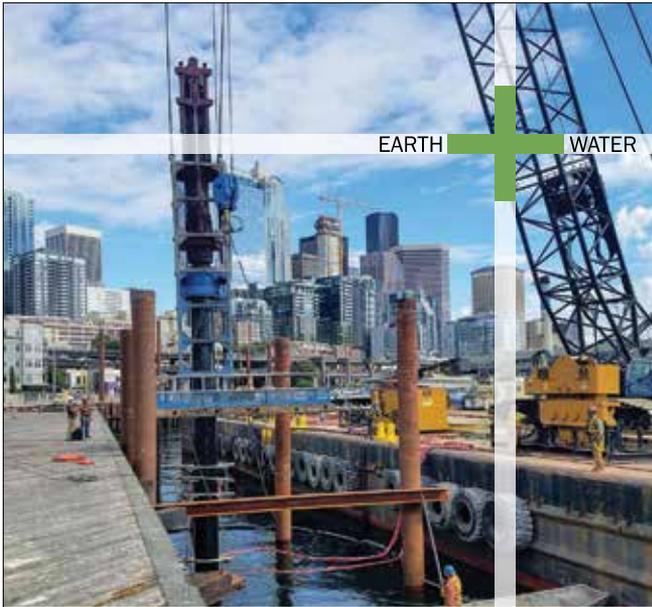
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# The Snoqualmie Pass Wagon Road and the Lottery that Almost Funded It

In 1875, lawmakers passed an act that allowed anyone living in King and Yakima counties to put up property in a lottery, provided that 10% of the net proceeds be set aside for a wagon road across Snoqualmie Pass. It was known as the Grand Lottery of Washington Territory, and the first prize was a sawmill located in the heart of Seattle and the city's first industry. Henry L. Yesler, a Seattle pioneer, was the lottery bill's instigator and chief proponent, as well as the mill owner.

Yesler and his wife Sarah were property rich but cash poor and faced some indebtedness. Yesler had hoped that the proceeds from the "Grand Lottery" would help him pay his bills. Like many of Seattle's founders (e.g., Arthur Denny, Doc Maynard) Yesler had promoted building a road over the Cascades that would connect the state's up-and-coming cities and stimulate commerce. Yesler hoped to sell 60,000 tickets in his Grand Lottery, which seemed unlikely in a county with a population of only 3,500. In mid-June 1876 though, just two weeks before the scheduled drawing, poor ticket sales forced Yesler to postpone the raffle until January 1877. Before he could reschedule it, a district court found the lottery illegal.

Of the many ways to get a wagon road built through the Cascade Mountains, the "Grand Lottery of Washington Territory" would go down as one of history's creative and



Henry Yesler's Grant Lottery ticket, 1876.

more colorful ways of attempting to make it happen. As for Henry Yesler, he eventually became wealthy when his many real estate holdings in Seattle soared in value. ▀

Excerpts are from the APWA History book *Building Washington* by Paul Dorpat and Genevieve McCoy

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- Our computer-to-plate technology reduces the amount of chemistry required to create plates for the printing process. The resulting chemistry is neutralized to the extent that it can be safely discharged to the drain.
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- Within the pages of each issue, we actively encourage our readers to REUSE and RECYCLE.
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# Questions About Zoning

**Q:** *Is it possible to make a small change to the zoning ordinance without a comprehensive plan update, even though there is no mention of this issue in the comprehensive plan?*

**A:** RCW 36.70A.130(1)(d) requires that: "Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan."

This provision does not require that the comprehensive plan be updated every time the zoning code is amended. If the proposed zoning change is consistent with the comprehensive plan, then no changes to the comprehensive plan are required.

**Q:** *May the mayor declare an emergency and thereby suspend zoning enforcement for a park facility, allowing the homeless to use this facility for emergency housing during cold and snow?*

**A:** The answer may be in the city's emergency management plan, adopted under authority of chapter 38.52 RCW. Look at RCW 38.52.110:

(1) In carrying out the provisions of this chapter, the governor and **the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state,**

**political subdivisions, and all other municipal corporations** thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington **to the maximum extent practicable,** and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency management organizations of the state **upon request notwithstanding any other provision of law.**

In this regard, note the governor's powers set out at RCW 38.52.050(3)(a):  
 (3) In performing his or her duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered:  
 (a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him [or her] herein, with due consideration of the plans of the federal government;  
 Also see RCW 38.52.070(2):

(2) In carrying out the provisions of this chapter **each political subdivision,** in which any disaster as described in RCW **38.52.020** occurs, **shall have the power to** enter into contracts and incur obligations necessary to combat such disaster, **protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster.** Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation **without regard to time-consuming procedures**



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**and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to,** budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

This would give the mayor authority, in the event of an emergency, to take action, such as allowing temporary emergency housing in a facility not zoned for temporary housing.

*Q: Do any cities have one title devoted to development procedures including both residential and commercial development?*

**A:** Most cities have separate titles for subdivision and commercial/other types of development. A few local governments, however, have unified development codes that combine their subdivision and commercial development regulations/procedures, along with other types of land use regulations. Some examples include:

**Clark County:** UNIFIED DEVELOPMENT CODE, TITLE 40 – applies to a wide variety of land use regulations related to residential and commercial development, including procedures for “Boundary Line Adjustments and Land Divisions” (see Chapter 40.540).

**Ferndale:** (municipal code) Title 14 DEVELOPMENT REVIEW AND APPLICATION PROCEDURES – Section 14.01.020 states that “This title applies to all applications for development or other City permits and approvals contained in FMC Titles 15 through 18, or other development-related permits or approvals

that may be included in other titles of this code...”

**Kelso:** (municipal code) Title 17 UNIFIED DEVELOPMENT CODE – covers a wide scope of development regulations and procedures, such as zoning, SEPA, critical areas, shorelines, subdivisions, historic preservation, building and construction, and code enforcement.

**Shoreline:** (municipal code) Title 20 DEVELOPMENT CODE – includes procedures related to a large number of land use activities, including subdivisions.

**Olympia:** (municipal code) Title 18 UNIFIED DEVELOPMENT CODE – addresses procedures related to commercial development and some aspects of residential development (such as infill and multifamily residential, and manufacture home parks) but they have put their subdivision regulations and procedures in Title 17 SUBDIVISIONS. ▀

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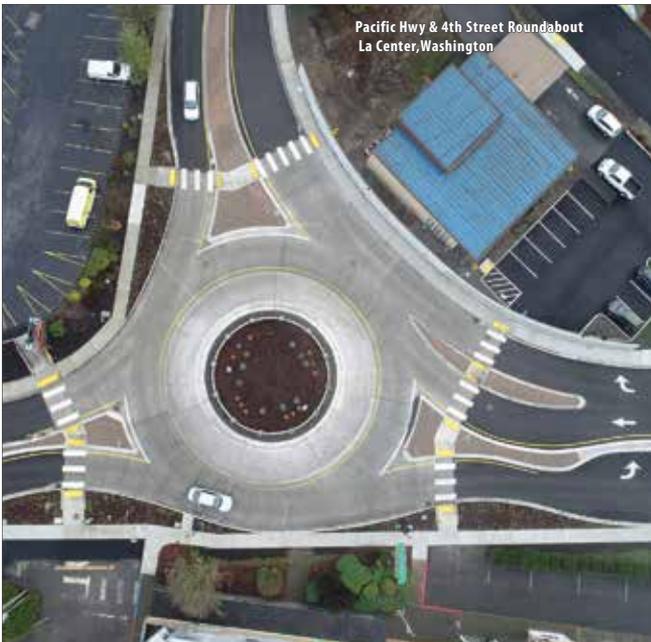
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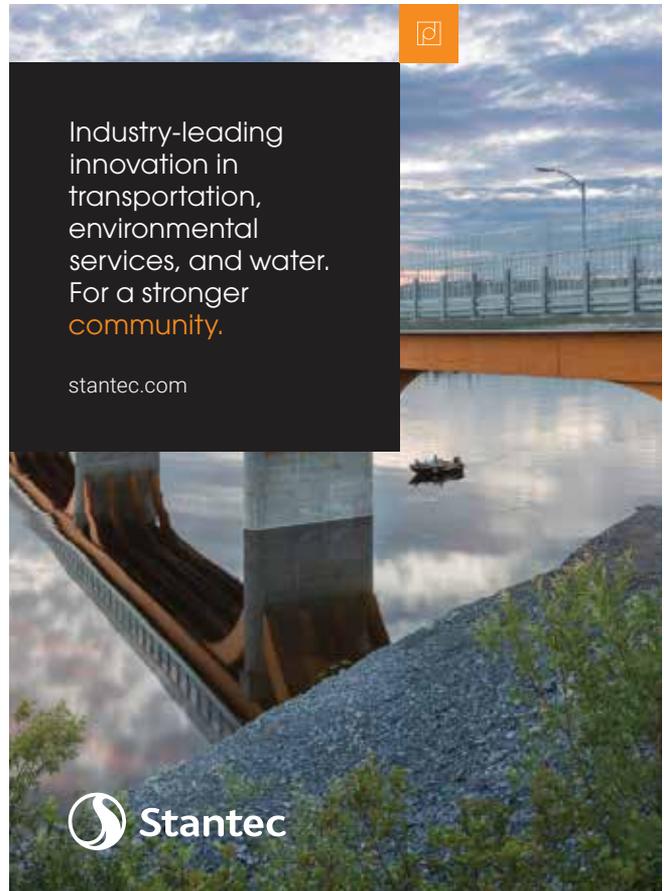


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# Adjustable Manhole Risers Now Standard in Milwaukee: **BIG UPSIDE,** LITTLE DOWNSIDE

By Angus W. Stocking, L.S., [angusstocking@gmail.com](mailto:angusstocking@gmail.com) | [www.infrastructurewriting.com](http://www.infrastructurewriting.com)

“We were having problems in the city with cast iron manhole risers,” says Milwaukee’s Engineer in Charge Samir Amin, P.E. “They’re usually fine, but on occasion they would slip or rattle out, and that led to car damage and claims – there was definitely room for improvement.”

Several years ago, Amin was approached by a representative from American Highway Products, who demonstrated the company’s adjustable riser, the Pivoted Turnbuckle Manhole Riser. These are sturdy galvanized steel risers, precisely sized to order, that feature a turnbuckle. Using a screwdriver as a lever, the turnbuckle transmits thousands of pounds of force to the flexible rim, seating the riser into original utility rim securely – installation typically takes five minutes or less. And unlike risers that depend on set screws or other mechanisms for adjustment, the pivoted turnbuckle riser connects tightly around its entire circumference, like a pressed in bearing.

It seemed like a good idea to Amin, so he organized a pilot project. “We picked a street that’s near our municipal yards, a street that sees a lot of heavy truck traffic,” he explains. “We set several of the adjustable risers there, and just watched over time. They handled heavy loads, and there were no failures or slips, so we were convinced that they would work better than the non-adjustable risers that were being used.”

The city couldn’t specify a particular brand of riser. Instead, Milwaukee wrote specifications for riser use that required adjustable risers with a mechanism similar to the pivoted turnbuckle. That was about four years ago, and the results have been good. “At the very beginning we faced some resistance from contractors, who were used to the readily available cast iron risers,” Amin says. “But really, that went away quickly, and now nobody mentions it.” City crews also install American Highway Products’ risers, including the firm’s catch basin risers, and keep about a hundred risers in inventory for use as needed.

Costs didn’t go up. “Risers aren’t really a big item in most of our mill and fill bids, and I didn’t notice any significant increase in costs due to the required use of adjustable risers,” says Amin.

By now, close to one thousand are installed. Milwaukee has emphasized milling and repaving in recent years, and Amin estimates that between 2–300 risers are installed annually. And in all that time, none have rattled out, or failed in any way.

“They’re a successful product, and we’re very happy with them,” says Amin. “They cost a bit more compared to cast iron risers, but now we have no worries about them coming loose, and that means a lot.”

*Angus W. Stocking, L.S. is a licensed land surveyor who has been writing about infrastructure since 2002.*





# The New Strowski's Outlook 20

Maybe it's just me but I think that the world of public works is going well these days. I say that because I usually find some current event in the world of public works problems to write about in my articles, and there's not much to write about.

In my last two articles I had to retreat into the world of pizza to come up with something on which to comment. Some people had a hard time seeing the connection between pizza and public works issues, and I agree that it might have been a stretch, but that's my point: I've had to stretch to come up with something to discuss.

We've spent a lot of years talking about the sad case of infrastructure in America and how it's just a matter of time before the nation crumbles. If it is crumbling, nobody seems to care that much.

That might be because some of us have been reluctant to say the sky is falling. We focus on things like pavement ratings that lose their impact when we cover too many roads in our data. Most people grumble about rough roads and congestion but not enough to put their money where their mouth is. What we may have done is found what could be called the generally acceptable levels of service for pavement condition and congestion.

That all could change a couple of years from now, but for the time being, people seem to be OK with the way things are. It might be that people in general aren't as interested in pavement condition as the technicians are. Citizen satisfaction surveys in Portland, OR, usually rate the quality of life pretty high and the quality of transportation pretty low. This has been going on for years, and except for a brief period when the Oregonian newspaper made street conditions a campaign issue, not much attention is paid to the disconnect.

By the way, a newspaper is a bunch of news printed on sheets of paper and delivered to your home or obtainable at grocery stores. It's still a fairly popular way for older people to find out what's going on in the world.

Public works is more than just street conditions. We have water systems, sewage collection, treatment systems, drainage systems, transit, and the list goes on and on. None of those things on the list get much attention. At least I don't see much noise about it on television or in the newspapers (that are still around).

By the way, television is that thing that's really great for watching sports and movies without leaving your home. It also is where old people find out about what's going on in the world.

You'll notice that I didn't mention social media. That's because we never had visions of that being the best way to cover something as down-to-earth as public works. Agencies use social media to get their message out for a variety of public works issues, but objective reporting on the condition of America's assets doesn't seem to attract many eyeballs.

Since I mentioned assets I should also point out that asset management might be another reason things are going so well. More and more public works managers have gotten on the asset management bandwagon over the years, and that means that the crumbling infrastructure is crumbling a little less swiftly. If you've been doing a good job of maintaining your assets with the money you have, there's no reason to get the citizenry all riled up about new taxes or assessments.

We might just be going through a lull in the cycle of public works improvements. During the Depression

public works projects were either mammoth undertakings or pervasive programs to put people to work. Some really big stuff was created then. It was during the Eisenhower administration that the Interstate Highway System got underway and big bridges and roadways were being built all across America. Sometimes those roadways divided neighborhoods but, undeniably, the system united the nation like nothing before it. As environmental concerns grew so did public works projects to protect drinking water and clean up the messy effluent from the affluent society.

Little thought was given to providing a funding mechanism to ensure that all those big projects could be maintained. For a long time that issue wasn't so apparent because things wore out slowly and communities grew rapidly, and new projects had to be built and expanded before the things they replaced had gone through their useful life. In other words, we didn't maintain things for the long haul because we knew we'd be buying something new before long.

So, now we're in an age of some big projects and a focus on stewardship of the public assets for which we're responsible. I think this is a good thing, but it's kind of hard to describe it with any more detail than that. We've gone from a world of projects to a world of ideas. Ideas are hard to grasp and broadcast unless they're revolutionary, but public works people are poor revolutionaries. When personality tests are conducted in my Public Works Institute classes, most of the students can be classified as either analytical or sociable. That matches my experience: Public works people tend to have an engineering bias, and they don't like to make waves. This business seems to draw that sort of personality. That's one of the

reasons that public works people are so great to be around. They generally want to get along with each, they're generally team players, and they generally want to improve the world. When they see that the system doesn't work very well, they don't rebel, they try to make it work better. They're so good at making the various public works components work, despite the system's shortcomings, that people can't figure out what all the fuss is about.

So, sit back, enjoy your big screen TV, order a pizza, check your social media, and thank your lucky stars that somebody in public works cares that all your systems are working.

Whether you agree with me or not, remember that you can state your position in future articles by sending me an email at [ostrowj@pacifier.com](mailto:ostrowj@pacifier.com) and I'll put you on the mailing list for advance copies of future Outlooks.

## Reader Responses

### Bob Moorhead, PE (Retired but still concerned)

I fear you've lulled yourself into complacency about the adequacy of our public works systems. While I agree that letter (A-F) and number (100-0) ratings about infrastructure can be both useful and misleading, I am reluctant to ignore at least some of the big-ticket projects looming on the horizon.

In your own Vancouver front yard sits the I-5 Interstate Bridge to Portland. The northbound structure, at age 102, is the oldest bridge on the entire Interstate Highway System (the southbound bridge is a spry 61). It is not only structurally deficient and functionally obsolete, but also a seismic disaster waiting to happen. Routine maintenance is just not going to solve these problems. It serves not only as your route to Powell's Books, but is a vital link of national importance in the I-5 West Coast Canada to Mexico trade corridor.

So, even if the public works facilities are marginally adequate today, we need to be advocates for the public works needs of both the near and distant future. (And a little more emphasis on asset management maintenance funding wouldn't hurt, either.)

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**Jason Van Gilder, PE**

Thanks for your thoughts. You may have stumbled onto something with, “It might be that people in general aren’t as interested in pavement condition as the technicians are.” Though I’m trying to think of any subject that people are as interested in as technicians are.

The other paragraph that got my attention was about the lull in the public works cycle. You noted that we formerly had mammoth undertakings or pervasive programs to put people to work. I wonder if our mammoth undertakings and pervasive programs to put people to work with public works funds still exist, but today are primarily regulatory endeavors. In just the first three weeks of this year I have encountered several undertakings of this nature: the USACE oversight of wetlands, Dept. of Ecology’s Salish Sea model of nutrient loading in Puget Sound and streamflow restoration basin planning; USGS’s hydrogeological model of the southeast Puget Sound; WSDOT’s elaborate efforts to ensure DBEs get a certain percentage of a project funds; and Labor and Industries’ mission to ensure prevailing wages are paid.

Perhaps this is a justifiable reaction to the past days of doing massive things without realizing their massive impacts. Maybe this is what you identified as the shift away from the world of projects to the world of ideas. Or maybe our attention setters have set our priorities on regulations and government controls?

It still seems like we are putting people to work. Hopefully, some really good stuff will be created. And when our infrastructure crumbles to the point of getting people in general interested in pavement conditions again, I’m sure we technicians will be glad to help out. We do like to be team players and improve the world. ▀

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