



Puget Sound Regional Council

Funding Application

Competition	Regional FHWA
Application Type	Manufacturing/Industrial Centers
Status	accepted
Accepted:	N/A
Prepopulated with screening form?	No

Project Information

- Project Title**
SR 167/SR 512 to Ellingson Rd Vicinity – SB Congestion Management
- Regional Transportation Plan ID**
5800
- Sponsoring Agency**
WSDOT
- Cosponsors**
N/A
- Does the sponsoring agency have "Certification Acceptance" status from WSDOT?**
Yes
- If not, which agency will serve as your CA sponsor?**
N/A

Contact Information

- Contact name**
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- Contact phone**
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- Contact email**
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Project Description

- Project Scope**
This project would extend the SR 167 express toll lanes in the southbound direction to the SR 410/SR 512 interchange helping to complete the 50-mile managed lanes system on I-405/SR167 providing a reliable alternative route to I-5. This section of SR167 currently experiences sever congestion, operational problems due to the high volumes, and increased growth. The project capacity connects to the SR167 Gateway Extension Project providing Freight benefits to and from the Port of Tacoma to the distribution centers along SR167.

Existing 8 fish passage barriers will also be removed and replaced with fish passable

structures.

2. **Project Justification, Need, or Purpose**

The SR167 Extension project meets the grant criteria in the following manner:

- Completes nearly 50-miles of the Managed Lanes system connecting urban centers along the Eastside of the Puget Sound. The southbound extension identifies transportation solutions to facilitate the movement of people and to connect disadvantaged communities in the South Sound.
- Increases Mobility by adding Express Toll Lanes to move more people through the system, benefits transit by providing a more reliable trip, and benefits freight by improving movement across all lanes.
- Meets the Vision outlined in the stakeholder adopted 2010 Eastside Corridor Tolling Study and SR167 Master Plan Planning Environmental Linkage Study (SR167 PEL).
- Meets the key component of the SR167 PEL by reducing congestion allowing better transit services to disadvantaged communities in the South Sound. The SR167 PEL adoption includes an extensive outreach component including an Equity Advisory Committee.
- Improves safety performance, provides reliability, and improves motorist throughput on a highly congested corridor by managing capacity as well as installing lane control signing, CCTV cameras, data stations, ramp meters, variable message sign and illumination.
- Reduces Greenhouse Gas Emissions by improving operational efficiencies for all vehicles combined with increasing the use of high occupancy vehicles and transit.

Project Location

1. **Project Location**

SR167

2. **Please identify the county(ies) in which the project is located. (Select all that apply.)**

King, Pierce

3. **Crossroad/landmark nearest the beginning of the project**

MP 5.75

4. **Crossroad/landmark nearest the end of the project**

MP 12.25

5. **Map and project graphics**

SR167_SB.png

Local Plan Consistency

1. **Is the project specifically identified in a local comprehensive plan?**

Yes

2. **If yes, please indicate the (1) plan name(s), (2) relevant section(s), and (3) page number(s) where the relevant information can be found.**

(1)2008 SR 167 Corridor Study Planning (2) Exhibit 7-1, SR167 Corridor Planned Project and Model

Completion Year (3) page 86

(1)2023 SR 167 Master Plan Planning and Environmental Study (2) Chapter 3. Scenario Evaluation

Summary, Baseline Scenario (No Action) (3) Page 3-3

3. **If no, please describe how the project is consistent with the applicable local comprehensive plan(s), including specific local policies and provisions the project supports. In addition, for a transit project please describe how the project is consistent with a transit agency plan or state plan.**

N/A

Federal Functional Classification

1. Functional class name

12 Urban Principal Arterial - Expressway

Support for Centers

1. **Describe the relationship of the project to the center(s) it is intended to support. Identify the designated regional growth or manufacturing/industrial center(s) and whether or not the project is located within the center or along a corridor connecting to the center(s).**

Manufacturing/Industrial Center: Sumner Pacific and Port of Tacoma
Regional Growth Center: Puyallup, Kent, and Auburn Downtown

Identification of Population Groups

1. **Using the resources provided in the Call for Projects, identify the equity populations (i.e. Equity Focus Areas (EFAs)) to be served by the project with supportive data. PSRC's defined equity populations are: people of color, people with low incomes, older adults, youth, people with disabilities, and people with Limited English Proficiency.**

The proposed project area is located within a diverse community of equity focus areas (EFAs), including People of Color, People with Low Incomes, People with Disabilities, Youth, and People with Limited English Proficiency.

Below please find a summary of the key findings:

- Minority populations account for almost half (43 percent) of the total population in the study area, but they make up more than half (60 percent) of the total population living in poverty.
- About 25 percent of the study area population is considered low-income, which is higher than the comparison geography (PSRC area).
- About 10 percent of the study area population (age 5 or older) have limited English proficiency, with higher concentrations in the northern half of the study area. Of the limited English-speaking populations, most speak Spanish or Asian languages, including Korean, Chinese, Vietnamese, Tagalog (including Filipino), and Pacific Islander languages.
- About 5 percent of people between the ages of 20 and 64 have a disability, and about 11 percent of the people living in the study area identify as having a disability.

2. **Further identify the MOST impacted or marginalized populations within the project area. For example, areas with a higher percentage of both people of color and people with low incomes, and/or other areas of intersectionality across equity populations. These intersections with equity populations may also include areas with low access to opportunity, areas disproportionately impacted by pollution, etc.**

The project area has high environmental justice (EJ) demographics. The vulnerable populations include, but are not limited to:

- Racial or ethnic minorities
- Low-income populations
- Populations disproportionately impacted by environmental harms
- Populations of workers experiencing environmental harms

Here are the statistics:

- Minority Population 43%
- Low-Income Population 25%
- In-Poverty Population 10%
- Youth Population 24%
- Senior Population (over 64) 12%
- Limited English Proficiency Population 11%
- Household without a Vehicle 6%
- Cost-burdened Household 34%
- Population with a Disability 11%
- Single-parent Family 27%
- Foreign-born Population 19%
- Owner-occupied Household 60%
- Renter-occupied Household 40%
- Unemployed Population 5%

Criteria: Development of Manufacturing/Industrial Center

1. Describe how the project will support the existing and planned employment densities in the regional and countywide growth or manufacturing / industrial center.

The proposed project is located within the largest warehousing and distribution cluster in the Pacific Northwest. These land uses not only provide thousands of jobs, but they also are the nexus of the regional supply chain. It will provide growth to employment centers and key destinations by increased transit access and multimodal connections. This additional growth could include new on-demand transit services within the proposed project area with a focus on equity priority areas and employment areas that are not served by all-day fixed route transit.

2. Describe how the project will support the development/redevelopment plans and activities of the center.

The proposed project significantly improves regional access and alleviates impacts on Centers caused by regionally oriented traffic. The SR167 corridor is the primary route connecting the Port of Tacoma MIC with the Manufacturing centers in Sumner and Pacific, as well as providing access to the Puyallup, Auburn and Kent Regional Growth Centers. This project would extend the SR 167 express toll lanes in the southbound direction to the SR 410/SR 512 interchange helping to complete the 50-mile managed lanes system on I-405/SR167 providing a reliable alternative route to I-5. This increases continuity of the overall Express Toll Lane system while providing a connection to other regional facilities including SR 518 and SR 410. The project also provides new infrastructure to support a critical component of the recently adopted SR 167 Master Plan in the form of future Bus Rapid Transit Service. Additionally, the project will reduce delay for all travelers and improve safety performance along the corridor.

3. Describe how the project will support the establishment of new jobs/businesses or the retention of existing jobs/businesses, including those in the industry clusters identified in the adopted regional economic strategy. In addition, describe how the project supports a diversity of business types and sizes within the community.

The proposed project area is one of the fastest growing areas in the state with a minority population accounting for almost half. This project is expected to provide benefits to vulnerable populations and overburdened communities by increased transit access and reliability, improved multimodal connections, and improved access to jobs and key destinations.

The project improves access, freight mobility and travel times to Key Regional Export Industries identified in the Regional Economic Strategy and addresses specific Strategic Responses. This allows for new jobs and businesses to develop in this project corridor.

4. Describe how the project will benefit a variety of user groups, including commuters, residents, and/or commercial users and the movement of freight.

The proposed project corridor carries high volumes of truck traffic, and it experiences multiple hours of traffic congestion daily. This proposed project will enhance the long-term efficiency of the corridor through express toll lanes, ITS, transit reliability and access. It reduces congestion allowing better transit services to disadvantaged communities in the South Sound.

Commuters have a new regional mobility option resulting in large savings in travel time. One of the most important commuter benefits accrues to the Puyallup, Kent, and Auburn Downtown MICs.

5. Describe how the project will expand access to high, middle and/or living wage jobs for the Equity Focus Areas (EFAs) identified above.

The proposed project provides direct benefits in travel time, safety, and access to needed infrastructure to commuters, truckers, and local residents currently impacted by regional traffic. The proposed project provides access to destinations within the center such as sports or recreation facilities, arts venues, employment concentrations, government centers, transportation hubs, freight facilities, etc.

Criteria: Mobility and Accessibility

1. Describe how the project provides and/or enhances opportunities for freight movement, for example by removing a barrier in the freight and goods system.

The proposed project corridor is the highest truck percentage of all regional highways (I-5, I-405, SR 18, SR 512, SR 410, I-90) in the region, and it connects key freight hubs, including the Port of Tacoma. It increases mobility by adding Express Toll Lanes to move more people and goods through the transportation system. benefits transit by providing a more reliable

trip, and benefits freight by improving movement across all lanes. It should significantly improve mobility and access to major destinations within the center through ITS, transit reliability, and access. This project is a foundational element of the corridor that the master plan requires to leverage and build upon.

(source: SR 167 Master Plan)

2. **Describe how the project improves access to major destinations within the center, such as completing a physical gap, providing an essential link in the transportation network for people and/or goods, or providing a range of travel modes or a missing mode.**

The proposed project completes nearly 50-miles of the express toll lane system connecting urban centers along the Eastside of the Puget Sound. The southbound extension identifies transportation solutions to facilitate the movement of people and to connect disadvantaged communities in the South Sound. This project supports the long-term efficiency of the corridor through TDM, ITS, and transit reliability. This project fills a missing link/bottleneck in that regional system. SR 167 Gateway and SR 18 Tiger Mountain/I-90 investments have improvements going through this area.

3. **Describe how the project provides opportunities for active transportation that can lead to public health benefits.**

Vehicle emissions are the top source of greenhouse gas emissions in Washington state, and they negatively impact health. This proposed project reduces greenhouse gas emissions by improving operational efficiencies for all vehicles combined with increasing the use of high occupancy vehicles and transit.

4. **Describe how the project promotes Commute Trip Reduction (CTR) and other TDM opportunities.**

The proposed project provides mobility and accessibility improvements for all modes (highway, transit, active mode, local roadway) by:

- Adding Express toll lane
- Improving travel through the use of intelligent transportation systems
- Enhancing opportunities for active transportation, transit speed and reliability projects
- Transit

5. **Identify the existing disparities or gaps in the transportation system or services for the Equity Focus Populations (EFAs) identified above that need to be addressed. Describe how the project is addressing those disparities or gaps and will provide benefits or positive impacts to these equity populations by improving their mobility.**

Since the proposed project area is one of the fastest growing areas in the state with a minority population accounting for almost half the existing disparities or gaps in the transportation system or services for the Equity Focus Populations (EFAs) included:

- The project vicinity is heavily impacted by historical development of transportation infrastructure and current transportation activity.
- The census tracts with the highest environmental justice demographic factors also have the highest impacts from traffic proximity, diesel particulates, and historical community separation.
- Portions of the area experience crash history about twice the statewide crash rate.

The proposed project will build on the extensive outreach done for the SR 167 Master Plan, including utilizing an Equity Advisory Committee to guide decision making. This committee will include a representative from community-based organization that will advocate on behalf of vulnerable populations and overburdened community members and environmental justice and transportation initiatives. It will allow for a range of transportation options that addresses the needs of vulnerable populations and overburdened communities, such as new on-demand transit services within the project area with a focus on equity priority areas and employment areas that are not served by all-day fixed route transit.

Criteria: Outreach and Displacement

1. **Describe the public outreach process that led to the development of the project.**

Washington State Department of Transportation has coordinated closely with the Equity Advisory Committee identified the SR 167 PEL, officials from local agencies, transit agencies along the Corridor and other stakeholders to partner, communicate, gather input, address barriers, and ensure public outreach. This project will follow guidance outlined in Washington State's HEAL Act, the SR 167 Master Plan used an equity-focused approach to identify issues and strategies that serve the needs of those living/working in and around the corridor,

including vulnerable populations and overburdened communities.

Reference SR167 Master Plan Planning and Environmental Linkage (PEL) Study Agency Support on page ii and List of Acknowledgements on page iii-iv.

2. Describe how this outreach influenced the development of the project.

The proposed project has been a part of the extensive outreach component including in previous corridor planning efforts, a 2008 Corridor Plan and a SR167 Master Plan PEL. These engagement with stakeholders led to the prioritization of completing the express toll lane system along the 50-mile SR167/I-405 corridor. Moving forward this project will build on these previous efforts to ensure that the community outreach influenced the development of the project.

3. Using PSRC's Housing Opportunities by Place (HOP) tool, identify the typology associated with the location of the project and identify the strategies the jurisdiction uses to reduce the risk of displacement that are aligned with those listed for the typology.

No ROW. Low displacement risk.

Displacement risk is low based on the PSRC Displacement Risk Map.

Criteria: Safety and Security

1. Describe how the project addresses safety and security. Identify if the project incorporates one or more of [FHWA's Proven Safety Countermeasures](#), and specifically address the following:

The proposed project eliminates a critical point of congestion on southbound SR 167 where the number of lanes is reduced near the King/Pierce County line. The recurring congestion results in a high frequency of rear-end and sideswipe crashes. This project will improve safety performance by reducing the congestion.

Improvements to traffic flow along the SR 167 mainline should reduce the diversion of traffic onto local roads WSDOT reviewed FHWA's Proven Safety Countermeasures and incorporates many of these elements into all project designs. For this mainline project, the Roadway Departure category is most applicable.

The project will follow WSDOT and FHWA safety countermeasures and best practices.

2. Specific to the Equity Focus Areas (EFAs) identified above, describe how the project will improve safety and/or address safety issues currently being experienced by these communities.

Improvements to traffic flow along the SR 167 mainline should reduce the diversion of traffic onto local roads.

3. Does your agency have an adopted safety policy? How did the policy/policies inform the development of the project?

WSDOT safety policy follows the Target Zero vision as expressed in the WSDOT Strategic Highway Safety Plan. Project development policy and design adheres to the Strategic Highway Safety Plan.

4. (not scored) USDOT is developing a framework for assessing how projects align with the Safe System Approach, and PSRC is developing a Regional Safety Action Plan due in early 2025. Does your agency commit to adhering to the forthcoming guidance and continuing to work towards planning and implementation actions under a Safe System Approach to reduce fatalities and serious injuries?

The project will follow WSDOT and FHWA safety requirements.

Criteria: Air Quality and Climate Change

1. Please select one or more elements in the list below that are included in the project's scope of work, and provide the requested information in the pages to follow.

Roadway / Intersection / ITS, Transportation Demand Management, Other

Air Quality and Climate Change: Roadway / Intersection / ITS

1. **What is the length of the project?**
6 miles; extends from current end of the express toll lane near the Ellingson Road interchange to the SR 410/SR 512 interchange.
2. **What is the average daily traffic before the project?**
Southbound is 50,550 Vehicles (source: WSDOT 2022 Ramp and Roadway)
3. **What is the average daily traffic after the project?**
Expected to be 61,000 Vehicles based on existing northbound SR 167 lane information.
4. **What is the average speed before the project?**
30-35 MPH
5. **What is the average speed after the project?**
45-60 MPH based on existing northbound SR 167 lane information.
6. **What is the level of service before the project?**
F
7. **What is the level of service after the project?**
TBD. The addition of the express toll lanes is expected to reduce peak period congestion and improve transit speed and reliability.
8. **What are the existing number of lanes (total, both directions)?**
5
9. **How many lanes are being added (total, both directions)?**
1 Express toll lane SB lane
10. **How many intersections are along the length of the project?**
0
11. **How many intersections are being improved?**
0
12. **What is the percentage of freight truck traffic on the facility?**
10-13%, (source: WSDOT permanent traffic recorder) Afternoon truck trips are projected to grow 54% between 2019 and 2050 (source: SR167 Master Plan)
13. **Will the project result in shorter trips and reduced VMT? If so, please explain.**
No, however speeds, reliability, congestion will all improve. The proposed project reduces congestion and improves speed and reliability all vehicles, including transit.
14. **Please describe the source of the project data provided above (e.g., Environmental Impact Statement, EPA/DOE data, traffic study, survey, previous projects, etc.).**
SR 167 Master Plan PEL, WSDOT 2022 Ramp and Roadway, WSDOT permanent traffic recorder, and previous projects (From SR 167 Completion Project Stage 2 (Final Completion).
15. **What is the average daily transit ridership along the corridor?**
TBD - We will evaluate during the project design in coordination with the transit and local agencies. Please utilize the regional default data.
16. **How many daily peak period transit trips service the corridor?**
TBD - We will evaluate during the project design in coordination with the transit and local agencies. Please utilize the regional default data.
17. **What is the expected increase in transit speed due to the BAT/HOV lanes?**
15-20 MPH increase, based on experience with other express toll lane implementation and known performance on SR 167 existing toll lanes.
18. **What is the expected increase in transit ridership due to the BAT/HOV lanes?**
TBD - We will evaluate during the project design in coordination with the transit and local agencies. Please utilize the regional default data.
19. **Please describe the source of the project data provided above (e.g., Environmental Impact Statement, EPA/DOE data, traffic study, survey, previous projects, etc.).**
Project specific data will be developed during the preliminary engineering phase.
20. **What are the ITS improvements being provided?**

ETL toll equipment and WSDOT standard features such as CCTV, ITS data loops, and ramp meters.

21. **What is the expected improvement to average vehicle delay?**

Significant reduction in vehicle and person delay based on experience with other express toll lane implementation and known performance on SR 167 existing toll lanes.

22. **Please describe the source of the project data provided above (e.g., Environmental Impact Statement, EPA/DOE data, traffic study, survey, previous projects, etc.)**

Project specific data will be developed during the preliminary engineering phase.

Air Quality and Climate Change: Transportation Demand Management

1. **How many employees or potential users will be targeted?**

TBD - We will evaluate during the project design in coordination with the transit and local agencies.

2. **What percentage of the targeted population is expected to shift from driving to transit, bicycling, or other alternative mode?**

TBD - We will evaluate during the project design in coordination with the transit and local agencies.

3. **What is the average commute trip length in the project area?**

Per the SR167 Master Plan study, average trip length for users on this section of SR167 is 23-31 miles for passenger vehicles and 41-69 miles for trucks.

4. **How many new vanpools will be formed?**

Express toll lane benefits transit and allows vanpools for more than 3 passengers. TBD - We will evaluate during the project design in coordination with the transit and local agencies.

5. **What is the average vanpool trip length?**

Unknown at this time.

6. **What is the vanpool occupancy?**

Unknown at this time.

7. **Please describe the source of the project data provided above (e.g., Environmental Impact Statement, EPA/DOE data, traffic study, survey, previous projects, etc.)**

Project specific data will be developed during the preliminary engineering phase.

Air Quality and Climate Change: Other

1. **You selected "other" as an emissions-related element in your project's scope of work. Please describe the improvements expected to result in emissions reduction and the sources used to determine expected results. These could include technology implementation, anti-idling programs, and any other project types that do not fit the options provided in this form.**

The proposed project will reduce Greenhouse Gas Emissions by improving operational efficiencies for all vehicles combined with increasing the use of high occupancy vehicles and transit.

Total Estimated Project Cost and Schedule

1. **Estimated project completion date**

12/2030

2. **Total project cost**

\$86,865,000.00

Funding Documentation

1. Documents

PSRC_Regional_FHWA_Project_Cost_and_Funding_for_SR_167_SB.xlsx,
TEIS_24LegFin_BIN_316706C_SR_167_Congestion_Management.pdf,
ID5800_Financial_Document_(SR_167_SB).pdf

2. Please enter your description of your financial documentation in the text box below.

Attached is the approved budget for this project by the State of Washington Legislative Evaluation & Accountability Program Committee (LEAP) in 2023. The requested funds for the southbound project is partially funded by this Project 316706C.

Phase	Year	Alternate Year	Amount
PE	2027		\$5,465,000.00

Total Request: \$5,465,000.00

Project Readiness: PE

PE

Funding Source	Secured/Unsecured	Amount
State Gas Tax	Secured	\$100,000.00
Other State	Secured	\$8,300,000.00
STBG(PSRC)	Unsecured	\$5,465,000.00
		<hr/>
		\$13,865,000.00

Expected year of completion for this phase: 2026

Construction

Funding Source	Secured/Unsecured	Amount
State Gas Tax	Secured	\$5,378,000.00
Other State	Secured	\$67,622,000.00
		<hr/>
		\$73,000,000.00

Expected year of completion for this phase: 2030

Summary

- Are you requesting funds for ONLY a planning study or preliminary engineering?**
Yes
- What is the actual or estimated start date for preliminary engineering/design?**
N/A
- Is preliminary engineering complete?**
N/A
- What was the date of completion (month and year)?**
N/A
- Have preliminary plans been submitted to WSDOT for approval?**
N/A
- Are there any other PE/Design milestones associated with the project? Please identify and provide dates of completion. You may also use this space to explain any dates above.**

WSDOT started the pre-design work for this project in Fall 2023.

7. When are preliminary plans expected to be complete?

N/A

Project Readiness: NEPA

1. Documents

PSRC_Regional_FHWA_Project_Cost_and_Funding_for_SR_167_SB.xlsx,
TEIS_24LegFin_BIN_316706C_SR_167_Congestion_Management.pdf,
ID5800_Financial_Document_(SR_167_SB).pdf

2. Please enter your description of your financial documentation in the text box below.

Attached is the approved budget for this project by the State of Washington Legislative Evaluation & Accountability Program Committee (LEAP) in 2023. The requested funds for the southbound project is partially funded by this Project 316706C.

Project Readiness: Right of Way

1. Will Right of Way be required for this project?

N/A

2. What is the actual or estimated start date for right of way?

N/A

3. What is the estimated (or achieved) completion date for the right of way plan and funding estimate (month and year)?

N/A

4. Please describe the right of way needs of the project, including property acquisitions, temporary construction easements, and/or permits.

N/A

5. What is the zoning in the project area?

N/A

6. Discuss the extent to which your schedule reflects the possibility of condemnation and the actions needed to pursue this.

N/A

7. Does your agency have experience in conducting right of way acquisitions of similar size and complexity?

N/A

8. If not, when do you expect a consultant to be selected, under contract, and ready to start (month and year)?

N/A

9. In the box below, please identify all relevant right of way milestones, including the current status and estimated completion date of each.

N/A

LEAP Transportation Document 2023-1 as developed April 21, 2023

2023-25 Biennium

Highway Improvements Program (I)

Transpo 2003 (Nickel) Account, 2005 Transpo Partnership Account (TPA), Connecting WA, Move Ahead WA

(Dollars In Thousands)

Rte	Project	Project Title	Leg Dist	2021-23	2023-25	2025-27	2027-29	Future	Total (incl Prior)
		Motor Vehicle Account - Local		0	0	0	0	0	75
		Motor Vehicle Account - State		1,223	5,000	6,031	0	0	13,552
		Move Ahead WA Account - State		0	5,000	5,000	0	0	10,000
		SR 531, Smokey Point Vicinity - Improvements		1,673	24,019	12,742	0	0	39,477
531	L1000114	SR 531/43rd Ave NE to 67th Ave NE - Corridor Improvements	10, 39	1,673	24,019	12,742	0	0	39,477
		Connecting Washington Account - State		1,508	24,019	12,742	0	0	39,302
		Motor Vehicle Account - Local		165	0	0	0	0	175
		SR 532, Camano Island to I-5 - Corridor Improvements		1,137	0	0	0	0	81,560
532	053255C	SR 532/Camano Island to I-5 Corridor Improvements (TPA)	10	1,137	0	0	0	0	81,560
		Motor Vehicle Account - Local		0	0	0	0	0	366
		Motor Vehicle Account - State		0	0	0	0	0	11,348
		Transportation Partnership Account - State		1,137	0	0	0	0	69,846
		SR 539, Bellingham North - Corridor Improvements		0	0	0	0	48,069	48,069
539	L2000118	SR 539/Guide Meridian	42	0	0	0	0	48,069	48,069
		Connecting Washington Account - State		0	0	0	0	48,069	48,069
		Complete Puget Sound Core HOV System - Multiple Highways		32,619	13,584	63,991	14,139	0	129,451
167	316706C	SR 167/SR 410 to SR 18 - Congestion Management	25, 30, 31	32,619	13,584	63,991	14,139	0	129,451
		I-405 and SR 167 Express Toll Lanes Operations Acct - State		13,666	12,327	61,518	10,389	0	99,978
		Motor Vehicle Account - Federal		17,071	0	0	0	0	20,025
		Motor Vehicle Account - Local		5	0	0	0	0	5
		Motor Vehicle Account - State		177	0	0	0	0	263
		Transportation Partnership Account - State		1,700	1,257	2,473	3,750	0	9,180
		Studies & System Analysis		114	1	0	0	0	3,501
002	L1000158	US 2 Trestle IJR	39	114	1	0	0	0	3,501

This project partially funds the SR 167/SR 512 to Ellingson Rd Vicinity – SB Congestion Management.

PSRC 2024 Regional FHWA Competition - Proposed Project Financial Info

Funding Source (local, state, FIMSIB, TIB, federal, etc.)	Amount (\$)	Funding Status (secured, unsecured, or reasonably expected)	Phase Status (complete, underway, not yet started)	Additional Comments/Explanations (as needed)
PE/Design Phase				
State - 405/SR 167 Tolls	\$ 8,300,000	Secured	Underway	Shortfall is in CN Phase. If STP is secured for PE phase, the secured PE funds could be reappropriated to CN.
State - TPA	\$ 100,000	Secured	Underway	
STP	\$ 5,465,000	Unsecured	Not Yet Started	
Total PE/Design	\$ 13,865,000			
Right of Way (ROW) Phase				
Total ROW Cost	\$ -			
Construction (CN) Phase				
State - 405/SR 167 Tolls	\$ 67,622,000	Secured	Not Yet Started	Shortfall is in CN Phase. If STP is secured for PE phase, the secured PE funds could be reappropriated to CN.
State - TPA	\$ 5,378,000	Secured	Not Yet Started	
Total CN Cost				
	\$ 73,000,000			
Total Project Cost	\$ 86,865,000			



funds until determination of the action or written settlement agreement of the appropriate parties.

For Work on or adjacent to water, the Design-Builder shall make the determination as to whether workers are to be covered under the LHWCA administered by the U.S. Department of Labor, or the State Industrial Insurance coverage administered by State L&I.

The Design-Builder shall include in the Proposal all costs for payment of unemployment compensation and for providing either or both of the insurance coverages. The Design-Builder will not be entitled to additional payment for:

1. Failure to include such costs, or
2. Determinations made by the U.S. Department of Labor or L&I regarding the insurance coverage.

The Public Works Contract Division of L&I will provide the Design-Builder with applicable industrial insurance and medical aid classification and premium rates. After receipt of *Revenue Release* from the Washington State Department of Revenue, WSDOT will verify through L&I that the Design-Builder is current with respect to the payments of industrial insurance and medical aid premiums.

1-07.11 Requirements for Nondiscrimination

1-07.11(1) Regulatory Authorities

1-07.11(1).1 General Application

Discrimination in all phases of contracted employment, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, and other related laws and statutes. These laws (and corresponding regulations) establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this Section.

It is the policy of WSDOT that Disadvantaged Business Enterprises (DBEs) and other small businesses, as defined in 49 Federal CFR Part 26, shall have equal opportunity to participate in contracts financed in whole or in part with USDOT funds.

DBE Goals have been assigned to this Project. Accordingly, the Design-Builder shall take all necessary and reasonable steps to ensure that DBEs have the maximum opportunity to compete for and perform work on this contract that corresponds with their DBE certification (work descriptors).

1-07.11(1).2 Standard Title VI Statutory/Regulatory Authorities

Reference to the term “Acts and Regulations” within Section 1-07.11 will refer to the following:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);

- 1 2. 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted
- 2 Programs Of The Department Of Transportation-Effectuation Of Title VI of
- 3 the Civil Rights Act Of 19640;
- 4 3. 28 C.F.R. section 50.3 (US Department of Justice Guidelines for
- 5 Enforcement of Title VI of the Civil Rights Act of 1964).

6 **1-07.11(1).3 Nondiscrimination Authorities**

7 During the performance of this Contract, the Design-Builder, for itself, its

8 assignees, and successors in interest agrees to comply with the following

9 nondiscrimination statues and authorities; including but not limited to:

- 10 1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat.
- 11 252), (prohibits discrimination on the basis of race, color, national origin)
- 12 and C.F.R. Part 21.
- 13 2. The Uniform Relocation Assistance and Real Property Acquisition Policies
- 14 Act of 1970, (42 U.S.C §4601), (prohibits unfair treatment of persons
- 15 displaced or whose property has been acquired because of Federal or
- 16 Federal-aid programs and projects).
- 17 3. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et. seq.), as amended,
- 18 (prohibits discrimination on the basis of sex).
- 19 4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as
- 20 amended (prohibits discrimination on the basis of disability); and 49 C.F.R.
- 21 Part 27.
- 22 5. The Age of Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et
- 23 seq.), (prohibits discrimination on the basis of age).
- 24 6. Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section
- 25 47123), as amended, (prohibits discrimination based on race, creed, color,
- 26 national origin, or sex).
- 27 7. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the
- 28 scope, coverage and applicability of Title VI of the Civil Rights Act of
- 29 1964, The Age of Discrimination Act of 1975 and Section 504 of the
- 30 Rehabilitation Act of 1973, by expanding the definition and terms
- 31 “programs or activities” to include all of the program or activities of the
- 32 Federal-aid recipients, sub-recipients and contractors, whether such
- 33 programs or activities are Federally funded or not).
- 34 8. Titles II and III of the Americans with Disabilities Act, which prohibit
- 35 discrimination on the basis of disability in the operation of public entities,
- 36 public and private transportation systems, places of public accommodation,
- 37 and certain testing entities (42 U.S.C. § 12131-12189) as implemented by
- 38 Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- 39 9. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C.
- 40 § 47123), (prohibits discrimination on the basis of race, color national
- 41 origin, and sex).

10. Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
11. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100).
12. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

1-07.11(2) Contractual Requirements

1. The Design-Builder, and its Subcontractors, consultants, Subconsultants, suppliers, and service providers shall maintain a Work site that is free of harassment, humiliation, fear, hostility, and intimidation at all times. Behaviors that violate this requirement include but are not limited to:
 - a) Persistent conduct that is offensive and unwelcome
 - b) Conduct that is considered to be hazing
 - c) Jokes about race, gender, or sexuality that are offensive
 - d) Unwelcome, unwanted, rude or offensive conduct or advances of a sexual nature which interferes with a person's ability to perform their job or creates an intimidating, hostile, or offensive work environment
 - e) Language or conduct that is offensive, threatening, intimidating or hostile based on race, gender, or sexual orientation
 - f) Repeating rumors about individuals in the Work Site that are considered to be harassing or harmful to the individual's reputation
2. This Contract, and all contracts the Design-Builder signs with its Subcontractors, consultants, Subconsultants, suppliers, and service providers shall contain the following assurance (49 CFR 26.13(b)):

The Contractor or Subcontractor shall not discriminate on the basis race, color, national origin, or sex in the performance of this Contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 as well as the FHWA 1273 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as WSDOT deems appropriate, which may include, but is not limited to:

- a) Withholding monthly progress payments
- b) Assessing sanctions
- c) Liquidated damages
- d) Disqualifying the Contractor from future bidding as nonresponsive.

For this Contract, each occurrence of the terms “Contractor” and “Subcontractor” shall be replaced by “Design-Builder” in the above assurance. In other contracts, each occurrence of the terms “Contractor” and “Subcontractor” in the above assurance shall be replaced by “Subcontractor”, “consultant”, “Subconsultant”, “supplier”, or “service provider”, depending on tier of contract executed by the Design-Builder.

3. The Design-Builder shall not discriminate against employees or applicants for contracted employment because of race, creed, color, national origin, sex, age, marital status, or the presence of physical, sensory or mental disabilities.
4. The Design-Builder shall, in all solicitations or advertisements for employees, state that all qualified applicants will be considered for employment, without regard to race, creed, color, national origin, sex, age, marital status, or the presence of physical, sensory, or mental disabilities.
5. The Design-Builder shall insert the following notification in all solicitations for bids for Work or material subject to the Acts and Regulations and made in connection with all program and activities and, in adapted form in all proposals for negotiated agreements regardless of funding source:

The Contractor in accordance with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat.252, 42 U.S. C§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that all contracts entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
6. The Design-Builder shall make decisions with regard to selection and retention of Subcontractors, procurement of materials and equipment and similar actions related to the Contract without regard to race, creed, color, national origin, sex, age, marital status, or the presence of physical, sensory, or mental disabilities.
7. The Design-Builder shall send to each labor union, employment agency, or representative of workers with which the Design-Builder has a collective bargaining agreement or other contract or understanding, a notice advising the labor union, employment agency or worker’s representative, of the Design-Builder’s commitments under this Contract with regard to nondiscrimination.

8. The Design-Builder shall permit access to its books, records and accounts by WSDOT for the purpose of investigating to ascertain compliance with these General Provisions. In the event that information required of a Design-Builder is in the possession of another who fails or refuses to furnish this information, the Design-Builder shall describe, in writing, what efforts were made to obtain the information.
9. The Design-Builder shall maintain records with the name and address of each minority, woman, or disadvantaged worker referred to the Design-Builder and what action was taken with respect to the referred worker.
10. The Design-Builder shall notify WSDOT whenever the union with which the Design-Builder has a collective bargaining agreement has impeded the Design-Builder's efforts to effect minority, women, or disadvantaged individuals' workforce utilization. This being the case, the Design-Builder shall show what relief they have sought under such collective bargaining agreements.
11. The Design-Builder is encouraged to participate in WSDOT and Washington State Human Rights Commission approved program(s) designed to train craft-workers for the construction trades.
12. The Design-Builder shall comply with the following nondiscrimination provisions, and the Design-Builder shall ensure the nondiscrimination provisions are included in all subcontracts:
 - a) Nondiscrimination Requirement
During the term of this Contract, the Design-Builder and its Subcontractors, shall not discriminate on the bases enumerated at RCW 49.60.530(3). In addition, the Design-Builder and its Subcontractors, shall give written notice of this nondiscrimination requirement to all labor organizations with which the Design-Builder or its Subcontractors, have a collective bargaining or other agreement.
 - b) Obligation to Cooperate
The Design-Builder and its Subcontractors shall cooperate and comply with all Washington state agency investigations regarding allegations that the Design-Builder or its Subcontractors have engaged in discrimination prohibited by this Contract pursuant to RCW 49.60.530(3).
 - c) Default
Notwithstanding provisions to the contrary, WSDOT may suspend the Contract in accordance with Section 1-08.6, upon notice of a failure to participate and cooperate with state agency investigations into alleged discrimination prohibited by this Contract, pursuant to RCW 49.60.530(3). All such suspensions will remain in place until WSDOT receives notification that the Design-Builder and its Subcontractors, are cooperating with the investigating state agency. In the event the Design-

Builder or its Subcontractors are determined to have engaged in discrimination identified at RCW 49.60.530(3), WSDOT may terminate this Contract in whole or in part in accordance with Section 1-08.10(1), and in addition to the sanctions listed in Section 1-07.11(5), the Design-Builder, its Subcontractors or both, may be referred for debarment as provided in RCW 39.26.200. The Design-Builder or its Subcontractors may be given a reasonable time in which to cure this noncompliance, including implementing conditions consistent with a court-ordered injunctive relief or settlement agreement.

d) Remedies for Breach

Notwithstanding provisions to the contrary, in the event of Contract termination or suspension for engaging in discrimination, the Design-Builder, its Subcontractor, or both, shall be liable for contract damages as authorized by law including, but not limited to, cost differences between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, which damages are distinct from penalties imposed under Chapter 49.60, RCW. WSDOT retains the right to deduct from monies due to the Design-Builder or its Subcontractor, or that thereafter become due, an amount for damages the Design-Builder or its Subcontractor will owe WSDOT for default under this provision.

1-07.11(2).1 Title VI Assurances

During the performance of this Contract, the Design-Builder, for itself, its assignees, and successors in interest (hereinafter referred to as the “Design-Builder”) agrees as follows:

1. Compliance With Regulations

The Design-Builder, and all Consultants employed by the Design-Builder will comply with the Acts and the Regulations relative to nondiscrimination in the Federally assisted programs U.S. Department of Transportation and the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this Contract.

2. Nondiscrimination

The Design-Builder, with regard to the Work performed by it during the Contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of Subcontractors, including procurement of materials and leases of equipment. The Design-Builder shall not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Contract covers activities, projects, or programs set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations, either by competitive bidding or negotiations made by the Design-Builder for Work to be performed under a Subcontract, including procurement of materials or leases of equipment, each potential Subcontractor or supplier shall be notified by the Design-Builder of the Design-Builder's obligations under this Contract and the Acts and the Regulations relative to nondiscrimination on the ground of race, color, or national origin.

4. Information and Reports

The Design-Builder will provide all information and reports required by the Acts and the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by WSDOT or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where information required of a Design-Builder is in the exclusive possession of another who fails or refuses to furnish this information, the Design-Builder will so certify to WSDOT, or the FHWA as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Design-Builder's noncompliance with the nondiscrimination provisions of this Contract, WSDOT will impose such Contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- a) Withholding of payments to the Design-Builder under the Contract until the Design-Builder complies, and;
- b) Cancelling, terminating, or suspending the Contract, in whole or in part.

6. Incorporation of Provisions

The Design-Builder will include the provisions of paragraphs (1) through (6) in every Subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Design-Builder shall take action with respect to a Subcontract or procurement as WSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Design-Builder becomes involved in, or is threatened with, litigation with a Subcontractor or supplier because of such direction, the Design-Builder may request WSDOT to enter into litigation to protect the interests of WSDOT. In addition, the Design-Builder may request the United States to enter into the litigation to protect the interests of the United States.

Refer to Section 1-07.11(1) 3, for additional requirements.

1-07.11(3) Equal Employment Opportunity Officer

Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity are set forth in various laws, regulations, and executive orders. The following FHWA provisions are applicable

to this Project and are required to be physically incorporated into all tiers of contracts and subcontracts:

1. The Design-Builder shall officially designate and make known to the WSDOT Engineer during the preconstruction conference and discussions, the firm's EEO Officer.
2. The EEO Officer shall be responsible for making themselves known to each of the Design-Builder's employees.
3. The EEO Officer shall possess the responsibility, authority, and capability for administering and promoting an active and effective Design-Builder program of EEO.
 - a) Form FHWA-1273, Required Contract Provisions Federal-Aid Construction Contracts shall also apply.

1-07.11(4) Dissemination of Policy

1-07.11(4).1 Supervisory Personnel

All members of the Design-Builder's staff authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or are substantially involved in such action, shall be fully cognizant of, and shall implement the Design-Builder's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement is met, the following actions shall be taken as a minimum:

1. EEO Meetings

Periodic meetings of supervisory and personnel office employees shall be conducted before the start of Work and then not less often than once every 6 months, at which time the Design-Builder's EEO policy and its implementation shall be reviewed and explained. The EEO meetings are to be conducted by the EEO Officer, or another company official who is knowledgeable of the EEO requirements of the contract.
2. EEO Indoctrination

All new supervisory or personnel office employees must be provided a thorough indoctrination by the EEO Officer or other knowledgeable company official covering all major aspects of the Design-Builder's EEO obligations within 30 Calendar Days following their reporting for duty with the Design-Builder.
3. Internal EEO Procedures

All personnel who are engaged in direct recruitment for the Project, shall be trained by the EEO Officer (or appropriate designee), in the Design-Builder's procedures for locating and hiring minorities, women, or disadvantaged individuals.

1-07.11(4).2 Employees, Applicants, and Potential Employees

In order to make the Design-Builder's EEO policy known to all employees, prospective employees, and potential sources of employees, e.g., schools, employment agencies, labor unions (where appropriate), college placement officers, and community organizations, the Design-Builder shall take the following actions:

1. Notices and Posters

Notices and posters setting forth the Design-Builder's EEO policy shall be located in areas readily accessible to employees, applicants for employment, and potential employees.

2. EEO Indoctrination

The Design-Builder's EEO policy and the procedures to implement such policy shall be provided to employees by means of meetings, employee handbooks, or other appropriate means.

1-07.11(5) Sanctions

Immediately upon the WSDOT Engineer's request, the Design-Builder shall remove from the Work Site all employees engaging in behaviors that promote harassment, humiliation, fear or intimidation including, but not limited to, those described in these General Provisions.

In the event the Design-Builder is found in noncompliance with the provisions of Section 1-07.11, WSDOT may impose such Contract sanctions as it or the FHWA may determine necessary to gain compliance including, but not limited to:

1. Progress payments may be withheld until the noncompliance is remedied to the satisfaction of WSDOT.
2. The Contract may be suspended, in whole or in part until such time as the Design-Builder is determined to be in compliance by WSDOT.
3. The Contract may be terminated.
4. The Design-Builder's pre-qualification may be suspended or revoked pursuant to WAC 468-16. WSDOT may refer the matter to the FHWA for possible Federal sanctions.
5. The Design-Builder's performance rating may be affected for failure to comply with the civil rights requirements applicable to the Contract.

1-07.11(6) Incorporation of Provisions

The Design-Builder shall include the provisions of Section 1-07.11(2) items 1 through 5 and Section 1-07.11(5) Sanctions in every Subcontract including procurement of materials and leases of equipment. The Design-Builder shall take such action or enforce sanctions with respect to a Subcontractor or supplier as WSDOT or the FHWA may direct as a means of enforcing such provisions. In the event a Design-Builder becomes involved in litigation with a Subcontractor or

1 supplier as a result of such direction, the Design-Builder may request WSDOT
2 enter into such litigation to protect their interests and WSDOT may request the
3 Federal government to enter into such litigation to protect the interests of the
4 United States.

5 **1-07.11(7) Vacant**

6 **1-07.11(8) Vacant**

7 **1-07.11(9) Subcontracting, Procurement of Materials, and Leasing of**
8 **Equipment**

9 **1-07.11(9).1 Nondiscrimination**

10 The Design-Builder shall not discriminate on the grounds of race, color, religion,
11 sex, national origin, age, or disability in the selection and retention of
12 Subcontractors, including procurement of materials and leases of equipment.

13 **1-07.11(9).2 Solicitation and Utilization**

14 The Design-Builder shall use their best effort to solicit bids from, and to utilize,
15 disadvantaged, minority, and women Subcontractors, or Subcontractors with
16 meaningful disadvantaged, minority, or women representation among
17 their employees.

18 **1-07.11(9).3 Subcontractor EEO Obligations**

19 The Design-Builder shall notify all potential Subcontractors and suppliers of the
20 EEO obligations required by the Contract. The Design-Builder shall use their
21 efforts to ensure Subcontractors compliance with their EEO obligations.

22 **1-07.11(9).4 Subcontract Completion**

23 In determining whether satisfactory completion has been achieved, the Design-
24 Builder may require appropriate documentation as required by State or Federal
25 statutes, or by an agency as a required condition of administration of the program
26 for that agency, provided agency requirements align with State or Federal statutes,
27 or both. All other requirements in Section 1-08 shall apply.

28 **1-07.11(10) Records and Reports**

29 **1-07.11(10).1 General**

30 The Design-Builder shall keep such records as are necessary to determine
31 compliance with the Design-Builder's EEO obligations. The records kept by the
32 Design-Builder shall be designated to indicate:

33 1. Work Force Data

34 The number of minority and nonminority group members and women employed
35 in each work classification on the Project.

- 1 2. Good Faith Efforts (Unions)
- 2 The progress and efforts made in cooperation with unions to increase
- 3 employment opportunities for minorities, women, and disadvantaged individuals
- 4 (applicable only to Design-Builders who rely in whole or in part on unions as a
- 5 source of their work force).
- 6 3. Good Faith Efforts (Recruitment)
- 7 The progress and efforts made in locating, hiring, training, qualifying, and
- 8 upgrading minorities, women, and disadvantaged individuals employees.
- 9 4. Subcontracting
- 10 The progress and efforts made in securing the services of minority, women, and
- 11 disadvantaged Subcontractors or Subcontractors with meaningful minorities,
- 12 women, and disadvantaged individuals representation among their employees.

13 **1-07.11(10).2 Required Records and Retention**

14 All records must be retained by the Design-Builder for a period of 3 years
15 following acceptance of the Contract Work. All records shall be available at
16 reasonable times and places for inspection by authorized representatives of either
17 the WSDOT or the FHWA.

18 **1-07.11(10).2.1 Form FHWA-1391, Federal-aid Highway** 19 **Construction Contractors Annual EEO Report**

20 This form is required for all Federally assisted projects provided the Contract is
21 equal to or greater than \$10,000 and for every associated Subcontract equal to or
22 greater than \$10,000. Each Contract requires separate reports filed for the Design-
23 Builder and each Subcontractor (subject to the above noted criteria). These forms
24 are due by August 25 in every year during which Work was performed in July.
25 The payroll period reflected in the report shall be the last payroll period in July in
26 which Work was performed. This report is required of each Design-Builder and
27 Subcontractor for each Federally assisted Contract on which the Design-Builder
28 or Subcontractor performs Work during the month of July.

29 **1-07.11(10).2.2 WSDOT Form 820-010, Monthly Employment** 30 **Utilization Report**

31 This form (or substitute form as approved by WSDOT) is required for all
32 Federally assisted projects if the Contract is equal to or greater than \$10,000 and
33 for every associated Subcontract equal to or greater than \$10,000. These monthly
34 reports are to be maintained in the respective Design-Builder or Subcontractor's
35 records.

36 **1-07.11(10).2.3 Requirement for Affirmative Action to Ensure** 37 **EEO (Executive Order 11246)**

38 The Design-Builder's attention is called to the Equal Opportunity Clause and the
39 Standard Federal EEO Construction Contract Specifications set forth herein.

1 The goals and timetables for minority and women participation set by the Office
2 of Federal Contract Compliance Programs, expressed in percentage terms for the
3 Design-Builder's aggregate work force in each construction craft and in each trade
4 on all construction work in the covered area, are as follows:

Women (Statewide)	
Timetable	Goal
Until further notice	6.9%
Minorities (by Standard Metropolitan Statistical Area, SMSA)	
SMSA Counties	
Spokane, WA	
Spokane	2.8%
Richland Kennewick, WA	
Benton, Franklin	5.4%
Yakima WA	
Yakima	9.7%
Seattle Everett, WA	
King, Snohomish	7.2%
Tacoma, WA	
Pierce	6.2%
Portland, OR-WA	
Clark	4.5%
Non-SMSA Counties	
Spokane, WA	
Adams, Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Stevens, Whitman	3.0%
Richland Kennewick, WA	
Walla Walla	3.6%
Yakima WA	

Chelan, Douglas, Grant, Kittitas, Okanogan	7.2%
Seattle Everett, WA	
Clallam, Grays Harbor, Island, Jefferson, Kitsap, Lewis, Mason, Pacific, San Juan, Skagit, Thurston, Whatcom	6.1%
Portland, OR-WA	
Cowlitz, Klickitat, Skamania, Wahkiakum	3.8%

1

2 These goals are applicable to each nonexempt Design-Builder's total on-site
3 construction workforce, regardless of whether or not part of that workforce is
4 performing work on a Federal, or Federally assisted project, contract, or
5 Subcontract until further notice. Compliance with these goals and timetables is
6 enforced by the U. S. Department of Labor's Office of Federal Contract
7 Compliance Programs.

8 The Design-Builder's compliance with the Executive Order and the regulations in
9 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity
10 Clause, specific affirmative action obligations required by the specifications set
11 forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority
12 and women employment and training must be substantially uniform throughout
13 the length of the Contract, in each construction craft and in each trade, and the
14 Design-Builder shall make a GFE to employ minorities and women evenly on
15 each of its projects. The transfer of minority or women employees or trainees
16 from Design-Builder to Design-Builder or from project to project for the sole
17 purpose of meeting the Design-Builder's goal shall be a violation of the contract,
18 the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with
19 the goals will be measured against the total work hours performed.

20 The Design-Builder shall provide written notification to the Office of Federal
21 Contract Compliance Programs (OFCCP) within 10 Calendar Days of award of a
22 construction Subcontract in excess of \$10,000 or more that are Federally funded,
23 at all tiers for construction work under the contract resulting from this solicitation.
24 The notification shall list the name, address and telephone number of the
25 Subcontractor; employer identification number of the Subcontractor; estimated
26 dollar amount of the subcontract; estimated starting and completion dates of the
27 subcontract; and the geographical area in which the contract is to be performed.
28 The notification shall be sent to:

29 U.S. Department of Labor
30 Office of Federal Contract Compliance Programs Pacific Region
31 Attn: Regional Director

San Francisco Federal Building
90-7th Street, Suite 18-300
San Francisco, CA 94103
(415) 625-7800 Phone
(415) 625-7799 Fax

Additional information may be found at the U.S. Department of Labor
website:

<https://www.dol.gov/ofccp/Construction/index.html>

As used in this Notice, and in the contract resulting from this solicitation, the
Covered Area is as designated herein.

**1-07.11(10).2.4 Standard Federal Equal Employment
Opportunity Construction Contract
Specifications (Executive Order 11246)**

As used in these specifications:

Covered Area - the geographical area described in the solicitation from which
this Contract resulted.

Director - Director, Office of Federal Contract Compliance Programs, United
States Department of Labor, or a person to whom the Director delegates authority.

Employer Identification Number - The Federal Social Security number used on
the U.S. Department of Treasury – Internal Revenue Service Form 941,
Employer's QUARTERLY Federal Tax Return.

Minority - includes:

1. Black, a person having origins in any of the Black Racial Groups of Africa.
2. Hispanic, a person of Mexican, Puerto Rican, Cuban, Central or South
American, or other Spanish culture or origin, regardless of race.
3. Asian or Pacific Islander, a person having origins in any of the original
peoples of the Pacific rim or the Pacific Islands, the Hawaiian Islands, and
Samoa.
4. American Indian or Alaskan Native, a person having origins in any of the
original peoples of North America, and who maintain cultural identification
through tribal affiliation or community recognition.

When the Design-Builder, or a tiered Subcontractor, subcontracts a portion of the
Work involving any construction trade, it shall physically include in each
Subcontract in excess of \$10,000 the provisions of these specifications and the
Notice which contains the applicable goals for minority and women participation
and which is set forth in the solicitations from which this contract resulted.

If the Design-Builder is participating (pursuant to 41 CFR 60-4.5) in a Hometown
Plan approved by the U.S. Department of Labor in the covered area either
individually or through an association, its affirmative action obligations on all
Work in the plan area (including goals and timetables) shall be in accordance with

that plan for those trades which have unions participating in the plan. Design-Builders must be able to demonstrate their participation in and compliance with the provisions of a Hometown Plan. Each Design-Builder or Subcontractor participating in an approved plan is individually required to comply with its obligations under the EEO clause, and to make a GFE to achieve each goal under the plan in each trade in which it has employees. The overall good faith performance by other contractors or Subcontractors toward a goal in an approved plan does not excuse any covered Design-Builder's or Subcontractor's failure to take GFE to achieve the plan goals and timetables.

The Design-Builder shall implement the specific affirmative action standards provided in section 1-07.11(10).2.4.1 below. The goals set forth in the solicitation from which this Contract resulted are expressed as percentages of the total hours of employment and training of minority and women utilization the Design-Builder should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or Federally assisted construction contract shall apply the minority and women goals established for the geographical area where the work is being performed. The Design-Builder is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

Neither the provisions of a collective bargaining agreement, nor the failure by a union with whom the Design-Builder has a collective bargaining agreement, to refer either minorities or women shall excuse the Design-Builder's obligations under these General Provisions, Executive Order 11246, or the regulations promulgated pursuant thereto.

In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Design-Builder during the training period, and the Design-Builder must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

1-07.11(10).2.4.1 Affirmative Action Obligations

The Design-Builder shall take specific affirmative actions to ensure EEO. The evaluation of the Design-Builder's compliance with these General Provisions shall be based upon its effort to achieve maximum results from its action. The Design-Builder shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Design-Builder's employees are assigned to work. The Design-Builder, where possible, will assign two or more women to each construction project. The Design-Builder shall specifically ensure that all foremen,

superintendents, and other on-site supervisory personnel are aware of and carry out the Design-Builder's obligation to maintain such a working environment, with specific attention to minority or women individuals working at such sites or in such facilities.

2. Establish and maintain a current list of minority and women recruitment sources, provide written notification to minority and women recruitment sources and to community organizations when the Design-Builder or its unions have employment opportunities available, and maintain a record of the organizations' responses.
3. Maintain a current file of the names, addresses, and telephone numbers of each minority and women off-the-street applicant and minority or women referral from a union, a recruitment source, or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Design-Builder by the union or, if referred, not employed by the Design-Builder, this shall be documented in the file with the reason therefore, along with whatever additional actions the Design-Builder may have taken.
4. Provide immediate written notification to the Director when the union or unions with which the Design-Builder has a collective bargaining agreement has not referred to the Design-Builder a minority person or women sent by the Design-Builder, or when the Design-Builder has other information that the union referral process has impeded the Design-Builder's efforts to meet its obligations.
5. Develop on-the-job training opportunity, participate in training programs, or both, for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Design-Builder's employment needs, especially those programs funded or approved by the U.S. Department of Labor. The Design-Builder shall provide notice of these programs to the sources compiled under 2 above.
6. Disseminate the Design-Builder's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Design-Builder in meeting its EEO obligations; by including it in policy manuals and collective bargaining agreements; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and women employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
7. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc., prior

1 to the initiation of construction work at a job site. A written record shall be
2 made and maintained identifying the time and place of these meetings,
3 persons attending, subject matter discussed, and disposition of the subject
4 matter.

- 5 8. Disseminate the Design-Builder's EEO policy externally by including it in
6 advertising in the news media, specifically including minority, women,
7 disadvantaged news media, and providing written notification to minority,
8 women, disadvantaged individual's and discussing the Design-Builder's
9 EEO policy with other contractors and Subcontractors with whom the
10 Design-Builder does or anticipates doing business.
- 11 9. Direct its recruitment efforts to minority, women and community
12 organizations, to schools with minority and women students, and to minority
13 and women recruitment and training organizations serving the Design-
14 Builder's recruitment area and employment needs. Not later than 1 month
15 prior to the date for the acceptance of applications for apprenticeship or
16 other training by a recruitment source, the Design-Builder shall send written
17 notification to organizations such as the above, describing the openings,
18 screening procedures, and tests to be used in the selection process.
- 19 10. Encourage present minority, women, and disadvantaged employees to
20 recruit other minority, women, and disadvantaged individuals and where
21 reasonable, provide after school, summer, and vacation employment to
22 minority and women youth both on the site and in other areas of a Design-
23 Builder's work force.
- 24 11. Validate all tests and other selection requirements where there is an
25 obligation to do so under 41 CFR Part 60-3.
- 26 12. Conduct, at least annually, an inventory and evaluation of all minority,
27 women, and disadvantaged personnel for promotional opportunities and
28 encourage these employees to seek or to prepare for, through appropriate
29 training, etc., such opportunities.
- 30 13. Ensure that seniority practices, job classifications, work assignments, and
31 other personnel practices, do not have a discriminatory effect by continually
32 monitoring all personnel and employment related activities to ensure that the
33 EEO policy and the Design-Builder's obligations under these specifications
34 are being carried out.
- 35 14. Ensure that all facilities and company activities are non-segregated except
36 that separate or single-user toilet and necessary changing facilities shall be
37 provided to assure privacy between the sexes.
- 38 15. Document and maintain a record of all solicitations of offers for
39 Subcontracts from minority, women, and disadvantaged construction
40 contractors and suppliers, including circulation of solicitations to minority,
41 women, and disadvantaged Design-Builder associations and other business
42 associations.

16. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Design-Builder's EEO policies and affirmative action obligations.

Design-Builders are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations. The efforts of a Design-Builder association, joint Design-Builder-union, Design-Builder-community, or other similar group of which the Design-Builder is a member and participant, may be asserted as fulfilling one or more of the obligations under section 1-07.11(10).2.4.1 above provided that the Design-Builder actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Design-Builder's minority, women, and disadvantaged individuals work-force participation, makes a GFE to meet its individual goals and timetables, and can provide access to documentation which demonstrate the effectiveness of actions taken on behalf of the Design-Builder. The obligation to comply, however, is the Design-Builder's and failure of such a group to fulfill an obligation shall not be a defense for the Design-Builder's noncompliance.

A single goal for minorities and a separate single goal for women have been established. The Design-Builder, however, is required to provide EEO and to take affirmative action for all minority, women, and disadvantaged individuals. Consequently, the Design-Builder may be in violation of the Executive Order if a particular group is employed in substantially disparate manner.

The Design-Builder shall not use the goals and timetables or affirmative action standards to discriminate against Persons because of race, color, religion, sex, or national origin.

The Design-Builder shall not enter into a Subcontract with Persons or firms debarred from Government contracts pursuant to Executive Order 11246.

The Design-Builder shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspensions, terminations, and cancellations of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations by the Office of Federal Contract Compliance Programs. A Design-Builder who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

The Design-Builder, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in section 1-07.11(10).2.4.1, so as to achieve maximum results from its efforts to ensure EEO. If the Design-Builder fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

The Design-Builder shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being

carried out, to submit reports relating to the provisions hereof as may be required by the government and to keep records. Records shall at least include, for each employee, their name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, the Design-Builders will not be required to maintain separate records.

Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Additional assistance for Federal Construction Contractors on contracts administered by WSDOT or by Local Agencies may be found at:

Washington State Dept. of Transportation
Office of Equal Opportunity
PO Box 47314
310 Maple Park Ave. SE
Olympia WA
98504-7314
Ph: 360-705-7090
Fax: 360-705-6801
www.wsdot.wa.gov/equalopportunity/default.htm

1-07.11(11) Vacant

1-07.11(12) Disadvantaged Business Enterprise Participation

The DBE requirements of 49 CFR Part 26 and USDOT's official interpretations (i.e., Questions & Answers) applies to this Contract.

1-07.11(12).1 DBE Goal

WSDOT has established DBE Goals in the amount of ***\$1\$*** percent for the design portion and ***\$2\$*** percent for the construction portion of the Contract.

In order to fulfill the DBE Goal, the firms named as DBE Subcontractors, consultants, Subconsultants, suppliers or service providers in the Proposer's DBE Performance Plan must have been certified as a DBE in the specific work classification (work descriptor), by the Office of Minority and Women's Business Enterprises (OMWBE) prior to release of the RFP. For Subcontracts awarded subsequent to the selection of a Design-Builder, a firm must be certified as a

DBE, in the appropriate work classification (work descriptor), prior to the date of the Subcontract on which it is committed to perform is executed.

1-07.11(12).2 Crediting DBE Participation

In accordance with 49 CFR 26.55, WSDOT will utilize the following guidelines in determining the amount of DBE participation to apply towards the Contract's DBE Goals.

Contracts/Subcontracts/leases/agreements with DBEs shall be evidenced in writing; shall comply with the requirements of 49 CFR Part 26; shall include a description of the distinct elements of work/materials that the DBE has agreed (and is certified) to perform/supply (along with respective dollar amounts).

To receive credit for DBE participation, DBEs must perform at least 30 percent of the total cost of its contract with its own forces.

The participation of a DBE toward the Design-Builder's DBE Goals will not be counted until the amounts owed the DBE(s) for work performed (including return of retainage) has been paid to the DBE and it has been determined, by WSDOT, that the DBE(s) has performed a Commercially Useful Function (CUF).

The DBE Performance Plan shall not include work that is speculative, such as work that might be performed under the warranty requirements of Section 1-05.10 or 1-05.16. This is without regard to whether the warranty work is expected to occur before or after Physical Completion.

DBE participation is only credited upon payment to the DBE.

The following are some definitions of what may be counted as participation.

1-07.11(12).2.1 Joint Venture

When a DBE performs as a participant in a joint venture, only that portion of the total dollar value of the Contract equal to the distinct, clearly defined portion of the Work that the DBE performs with its own forces will be eligible for DBE credit.

1-07.11(12).2.2 DBE Design-Builder

A DBE Design-Builder may only take credit for that portion of the total dollar value of the Contract equal to the distinct, clearly defined portion of the Work that the DBE Design-Builder performs with its own forces and is certified to perform.

1-07.11(12).2.3 DBE Subcontractor

A DBE Subcontractor may only take credit for that portion of the total dollar value of the Subcontract that is equal to the distinct, clearly defined portion of the Work that the DBE performs with its own forces and is certified to perform. The value of work performed by the DBE includes the cost of supplies and materials purchased by the DBE and equipment leased by the DBE, specifically for performance of their scope of work.

DBE credit cannot be applied to supplies/materials or equipment that are obtained from a DBE who is not certified by OMWBE as a supplier or equipment leasing company.

The Design-Builder may not take credit for supplies, materials, and equipment the DBE Subcontractor purchases or leases from the Design-Builder or its affiliate, including Design-Builder resources available to the DBE Subcontractors at no cost.

DBE credit will not be given in instances where the equipment lease includes the operator. The DBE is expected to operate the equipment used in the performance of its work under the contract with its own forces. Situations where equipment is leased and used by the DBE, but payment is deducted from the Design-Builder's payment to the DBE is not allowed.

The entire value of fees or commissions charged by a DBE for providing a bona fide service, such as professional, technical, consultant, managerial services, or for providing bonds or insurance specifically required for the performance of the contract, will be considered for DBE credit provided that the DBE is certified in the respective work type(s), and the fee/commission is deemed reasonable. For more information, see "DBE Service Provider" below.

When a DBE Subcontracts to another firm, the value of the Subcontracted Work may be eligible for DBE credit only if the DBE's lower tier Subcontractor is also a certified DBE. Work Subcontracted to a lower tier Subcontractor that is a DBE may be counted toward the DBE Goal only if the lower tier Subcontractor self performs a minimum of 30 percent of the Work Subcontracted to them. Work Subcontracted to a non-DBE does not count as towards the DBE Goal.

When a non-DBE Subcontractor further Subcontracts to a lower tier Subcontractor or supplier who is a certified DBE, then that portion of the Work further Subcontracted may be considered for credit as DBE participation, provided it is a distinct clearly defined portion of the Work that the DBE is certified by OMWBE to perform and the DBE Subcontractor performs a CUF.

1-07.11(12).2.3.1 DBE Subcontract and Lower Tier Subcontract Documents

There must be a Subcontract agreement that complies with 49 CFR Part 26 and fully describes the distinct elements of Work committed to be performed by the DBE.

Prior to a DBE performing Work on the Contract, an executed Subcontract between the DBE and the Design-Builder shall be submitted to the WSDOT Engineer. The executed Subcontracts shall be submitted by email to the following email address for the region administering the Contract:

Eastern Region – ERegionOEO@wsdot.wa.gov

Northcentral Region – NCRegionOEO@wsdot.wa.gov

Northwest Region – NWRegionOEO@wsdot.wa.gov

Olympic Region – ORegionOEO@wsdot.wa.gov

Southcentral Region – SCRegionOEO@wsdot.wa.gov

Southwest Region – SWRegionOEO@wsdot.wa.gov

1-07.11(12).2.3.2 DBE Service Provider

Fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, managerial services, or for providing bonds or insurance specifically required for the performance of the contract will only be credited DBE participation if the fee is determined by WSDOT to be reasonable and the firm has performed a CUF. In addition to these requirements, a DBE Broker Agreement shall be submitted in accordance with Section 1-08.1.

DBE credit for DBE Brokers/transaction expeditors, or DBEs acting in the manner of a Broker/transaction expeditor, is limited to the fee/commission that it receives for its services. The cost of materials and supplies procured by a DBE Broker/packager/Manufacturer representative do not count towards DBE Goals (only the fee, if reasonable). If the DBE does not perform a CUF (i.e., is an extra participant in the transaction), then no DBE credit can be counted.

1-07.11(12).2.3.3 Temporary Traffic Control

If the DBE only provides “Flagging”, the DBE must provide a TCS and flagger(s), which are under the direct control of the DBE. The DBE shall also provide all flagging equipment for its employees (e.g. paddles, hard hats, and vests).

If the DBE provides “Traffic Control Services”, the DBE must provide a TCS, flaggers, and traffic control items (e.g., cones, barrels, signs, etc.) and be in total control of all items it uses in implementing the traffic control work under its subcontract on the Project.

1-07.11(12).2.3.4 Trucking

The following applies to counting participation of DBE trucking firms:

DBE trucking firm participation may only be credited as DBE participation for the value of the hauling services, not for the materials being hauled unless the DBE trucking firm is also certified as a supplier of those materials. In situations where the DBE’s work is priced per ton, the value of the hauling service must be calculated separately from the value of the materials in order to determine DBE credit for hauling.

The DBE trucking firm must own and operate at least one licensed, insured and operational truck on the contract. The truck must be of the type that is necessary to perform the hauling duties required under the Contract. The DBE trucking firm receives credit for the value of the transportation services it provides on the Contract using trucks it owns or leases, licenses, insures, and operates with drivers it employs.

The DBE trucking firm may lease additional trucks from another DBE. The DBE trucking firm who leases additional trucks from another DBE receives credit for the value of the transportation services the lessee DBE provides on the Contract.

Trucking Work Subcontracted to a non-DBE trucking firm will not receive credit for Work done on the Project.

The DBE may lease trucks from a truck leasing company (recognized truck rental center), but can only receive credit towards DBE participation if the DBE uses its own employees as drivers.

The Design-Builder shall submit WSDOT Form 272-058, *DBE Trucking Credit Form* in accordance with Section 1-08.1, if applicable.

DBE credit for DBE trucking participation is dependent upon submission of required supporting documentation.

1-07.11(12).2.3.5 DBE Manufacturer and DBE Regular Dealer

If materials or supplies are obtained from a DBE who has been certified by OMWBE as a DBE Manufacturer, 100 percent of the cost of materials or supplies may be credited towards the DBE Goal.

If materials or supplies are obtained from a DBE who has been approved by WSDOT as a DBE Regular Dealer for the Project, 60 percent of the cost of materials or supplies purchased from a DBE Regular Dealer may be credited towards the DBE Goal. If the role of the DBE Regular Dealer is determined to be that of a Broker, then DBE credit will be limited to the fee or commission it receives for its services. Documentation will be required to support the DBE Reasonable Fee charged by the DBE.

Purchase of materials or supplies from a DBE which is neither a manufacturer nor a regular dealer, (i.e. Broker) only the fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, may count towards the DBE Goal provided the fees are not excessive as compared with fees customarily allowed for similar services. Documentation will be required to support the fee/commission charged by the DBE. The cost of the materials and supplies themselves cannot be counted toward the DBE Goal.

To participate as a Regular Dealer, the DBE must have received an onsite visit and review from WSDOT's Office of Equity and Civil Rights (OECR) to determine whether or not the firm meets Regular Dealer program requirements. Once recognized by WSDOT as a Regular Dealer, the DBE must apply for Regular Dealer status per contract. DBE proposed to be used as a Regular Dealer on a contract must submit a DBE Regular Dealer Project Request to WSDOT's OECR and be approved no later than 5 Calendar Days prior to being used/listed as a DBE Commitment in the DBE Performance Plan.

1-07.11(12).2.4 Disadvantaged Business Enterprise Written Confirmation Document(s)

The Design-Builder shall submit WSDOT Form 422-031, *DBE Written Confirmation Document* (completed and signed by the DBE) for each DBE listed in the Design-Builder's updated DBE Performance Plan. Failure to do so will result in the associated participation being disallowed.

WSDOT Form 422-031, *DBE Written Confirmation Documents* provides confirmation from the DBEs that they are participating in the Contract as provided in the Design-Builder's DBE Commitment. WSDOT Form 422-031, *DBE Written Confirmation Documents* must be consistent with the updated DBE Performance Plan.

It is prohibited for the Design-Builder to require a DBE to submit WSDOT Form 422-031, *DBE Written Confirmation Document* with part of the form left blank. Should WSDOT determine that an incomplete WSDOT Form 422-031, *DBE Written Confirmation Document* was signed by a DBE, the validity of the document comes into question. The associated DBE participation may not receive credit.

1-07.11(12).2.5 Disadvantaged Business Enterprise Good Faith Efforts

The Design-Builder must submit an initial DBE Performance Plan (with its proposal) and subsequent monthly updates, which demonstrates how the Design-Builder intends to achieve the Project's DBE Goals.

Achieving the DBE Goals may be accomplished by either:

1. Meeting the DBE Goal, as evidenced by DBE Commitments (subcontracts/agreements) identified in the Design-Builder's initial DBE Performance Plan (and subsequent monthly updates)
2. Documenting that the Design-Builder has made adequate GFE to meet the DBE Goal. The DBE Performance Plan (initial and subsequent monthly updates) must include a description of the Design-Builder's ongoing GFE to achieve the DBE Goal (in addition to its DBE Commitments).

1-07.11(12).2.6 Good Faith Effort Documentation

GFE is evaluated as part of proposals; whenever a DBE Commitment is proposed to be terminated; and throughout the life of the Project. The efforts utilized by the Design-Builder should be those that would reasonably be expected if the Design-Builder were actively and aggressively trying to achieve sufficient DBE participation to meet the Project goals.

The following is a list of the type of actions that could be considered as part of the Design-Builder's GFE. This is neither a mandatory checklist nor is it an all-inclusive list of GFE. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising or written notices, or both) the interest of all certified DBEs who have the capability to perform the Work of the Contract. The Design-Builder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The Design-Builder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the Work to be performed by DBEs in order to increase the likelihood that the DBE Goal will be achieved. This includes, where appropriate, breaking out Contract Work items into economically feasible units to facilitate DBE participation, even when the Design-Builder might otherwise prefer to perform these Work items with its own forces.
3. Providing interested DBEs with adequate information about the plans, Specifications, and requirements of the Contract in a timely manner to assist them in responding to a solicitation.
 - a) Negotiating in good faith with interested DBEs. It is the Design-Builder's responsibility to make a portion of the Work available to DBE Subcontractors and suppliers and to select those portions of the Work or material needs consistent with the available DBE Subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the Work selected for Subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the Work.
 - b) A Design-Builder using good business judgment would consider a number of factors in negotiating with Subcontractors, including DBE Subcontractors, and would take a firm's price and capabilities as well as the DBE Goal into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a Design-Builder's failure to meet the DBE Goal, as long as such costs are reasonable. Also, the ability or desire of a Design-Builder to perform the Work of the Contract with its own organization does not relieve the Design-Builder of the responsibility to make GFE. Design-Builders are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
4. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The Design-Builder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Design-Builder's efforts to meet the DBE Goal.
5. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or Design-Builder.

6. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
7. Effectively using the services of available minority, women, and disadvantaged individuals community organizations; minority, women, and disadvantaged individuals contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
8. Documentation of GFE must include copies of each DBE and non-DBE Subcontractor quotes submitted to the Design-Builder when a non-DBE Subcontractor is selected over a DBE for Work on the Contract. (ref. updated DBE regulations – 26.53(b)(2)(vi) & App. A)

1-07.11(12).2.7 Administrative Reconsideration of Good Faith Effort Documentation

A Design-Builder has the right to request reconsideration if the GFE documentation submitted was determined to be inadequate.

1. The reconsideration decision on the adequacy of the Design-Builder's GFE documentation shall be made by an official who did not take part in the original determination.
2. The Design-Builder shall not introduce new documentation at the reconsideration hearing.
3. The Design-Builder shall have the opportunity to meet in person with the official for the purpose of setting forth the Design-Builder's position as to why the GFE documentation demonstrates a sufficient effort.
4. The reconsideration official shall provide the Design-Builder with a written decision on reconsideration within 5 Calendar Days of the hearing explaining the basis for their finding.

1-07.11(12).2.8 Disadvantaged Business Enterprise Trucking Credit Form

The Design-Builder shall submit WSDOT Form 272-058, *DBE Trucking Credit Form* for DBEs listed on the updated DBE Performance Plan.

Note: The WSDOT Form 272-058, *DBE Trucking Credit Form* is only required for a DBE firm listed on the DBE Performance Plan as a Subcontractor for "Trucking" or "Hauling". For example, if the item of Work is "Structure Excavation including Haul", and another firm is doing the excavation and the DBE trucking firm is doing the haul, the form is required. For a DBE Subcontractor that is responsible for an entire item of work that may require some use of trucks, the form is not required.

1-07.11(12).2.9 Commercially Useful Function

The Design-Builder is responsible for ensuring that all DBEs on the Project are performing a CUF. However, in order to count DBE participation towards the DBE Goal, WSDOT must have performed and documented a CUF review on each DBE, per contract. The Design-Builder may take credit for payments made to a DBE towards the DBE Goal on the Contract, only if the DBE has performed a CUF on the Contract, as determined by WSDOT.

A DBE performs a CUF when it is responsible for execution of the Work of the contract and is actually performing, managing, and supervising the work it is Subcontracted to perform. The DBE must be responsible for negotiating price, determining quality and quantity, ordering the material, installing, and paying for the material itself. If a DBE has not performed “all” of these functions on a furnish-and-install contract, it has not performed a CUF and therefore, the cost of the materials cannot be counted toward the DBE Goal.

A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or Project through which funds are passed in order to obtain the appearance of DBE participation.

In regards to CUF and DBE traffic control companies, the DBE must be in control of its Work inclusive of supervision. In other words, the DBE shall employ a TCS who is on-site actively managing the work that the traffic control company is contracted to perform, and is supervising the firm’s traffic control employees and the services that they provide.

The following are some of the factors that WSDOT will utilize in determining whether a DBE trucking firm is performing a CUF:

1. The DBE trucking firm shall be responsible for the management and supervision of the entire trucking operation for which it is responsible on the contract. The owner demonstrates business related knowledge, shows up on-site, and is determined to be actively running the business (not a contrived arrangement).
2. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. The truck must be of the type that is necessary to perform the hauling duties required under the contract. The drivers of the trucks owned and leased by the DBE (in performance of their work on the contract), must be exclusively employed by the DBE, and reflected on the DBE’s payroll.
3. Lease agreements for trucks must indicate that the DBE has exclusive use of and control over the truck(s). This does not preclude the leased truck from working for others, provided it is with the consent of the DBE and the lease provides the DBE absolute priority for use of the leased truck.
4. Leased trucks shall display the name and identification number of the DBE.
5. Leasing of equipment from a leasing company is allowed. However, leasing/purchasing equipment from the Design-Builder is not allowed.

Lease agreements shall be provided prior to the Subcontractor beginning Work. Use of the Design-Builder's equipment by a DBE may not be credited as countable participation.

1-07.11(12).2.10 UDBE/DBE/FSBE Truck Unit Listing Log

In addition to the Subcontracting requirements of Section 1-08.1, each DBE trucking firm shall submit supplemental information consisting of a completed primary WSDOT Form 350-077, *UDBE/DBE/FSBE Truck Unit Listing Log*, and all Rental/Lease agreements (if applicable). The supplemental information shall be submitted in an electronic format to the WSDOT Engineer prior to trucking services being performed for DBE credit. Incomplete or incorrect supplemental information will be returned for correction. The corrected primary WSDOT Form 350-077, *UDBE/DBE/FSBE Truck Unit Listing Log* and updated WSDOT Form 350-077, *UDBE/DBE/FSBE Truck Unit Listing Log* shall be submitted and accepted by the WSDOT Engineer no later than 10 Calendar Days prior to utilizing applicable trucks. Failure to submit or update the primary WSDOT Form 350-077, *UDBE/DBE/FSBE Truck Unit Listing Log* may result in trucks not being credited as DBE participation.

Each DBE trucking firm shall complete a daily WSDOT Form 350-077, *UDBE/DBE/FSBE Primary Truck Unit Listing Log* for each day that the DBE performs trucking services for DBE credit. The daily WSDOT Form 350-077, *UDBE/DBE/FSBE Truck Unit Listing Log* forms shall be submitted by Friday of the week after the Work was performed by email to the following email address for the region administering the Contract:

Eastern Region - ERegionOEO@wsdot.wa.gov

North Central Region - NCRegionOEO@wsdot.wa.gov

Northwest Region - NWRegionOEO@wsdot.wa.gov

Olympic Region - ORegionOEO@wsdot.wa.gov

South Central Region - SCRegionOEO@wsdot.wa.gov

Southwest Region - SWRegionOEO@wsdot.wa.gov

Washington State Ferries - FerriesOEO@wsdot.wa.gov

1-07.11(12).2.11 Joint Checking

Joint checks must be made available to all Subcontractors. For purposes of the DBE program, a joint check is a two-party check between a DBE, a Design-Builder, and the supplier of materials/supplies. The check is issued by the Design-Builder as payor to the DBE Subcontractor and the material supplier jointly (to guarantee payment to the supplier) for items to be incorporated by the DBE into the Project. The DBE must release the check to the supplier, while the Design-Builder acts solely as the guarantor.

A joint check arrangement shall be short term (i.e., 1 year), sufficient to allow the DBE to establish/increase a credit line with the material supplier.

Prior to its use, a joint check agreement, signed by all parties involved, must be submitted to the WSDOT Engineer for review and written approval. The DBE must use WSDOT Form 272-053, *DBE Joint Check Request Form* when submitting the request. The form shall be accompanied by the DBE Joint Check Agreement, which describes the conditions of the arrangement and expected use of the joint checks.

The DBE must be responsible for both furnishing and installing the materials. To receive DBE credit for performing a CUF with respect to obtaining materials and supplies, a DBE shall be responsible for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself. The supplies/materials must be specific to the performance of the DBE's work under its Subcontract, (i.e., cannot be a non-proportionate ratio of the DBE's normal capacity to size of contract and quantity of material to be provided under the contract). In addition, the joint check cannot be applied to purchases by the DBE for work on other projects.

Material costs paid by the Design-Builder directly to the material supplier are not allowed. If proper procedures are not followed or WSDOT determines that the arrangement results in lack of independence for the DBE involved, no DBE credit will be given for the DBE's participation as it relates to the material cost.

Joint checks are not allowed to be used to pay for equipment purchases, union dues, or other items not physically incorporated into the Project.

1-07.11(12).2.12 Prompt Payment

Prompt payment to all Subcontractors shall be in accordance with Section 1-08.1(1) of this Section. Prompt payment requirements apply to progress payments as well as return of retainage.

1-07.11(12).2.13 Procedures after Execution

After execution of the Contract, the Design-Builder shall provide the additional information described below.

The Design-Builder was required to submit a DBE Performance Plan as part of a responsive Proposal. Following the execution of the Contract and during both the design and construction portions of the Project, the Design-Builder shall implement the DBE Performance Plan by submitting a monthly update to the DBE Performance Plan Section 3, *Diverse Business Subcontractors*, Section 5, *Plan To Meet DBE Contract Goals*, and Section 6, *Plan For Reporting Goal Attainment* on the 10th of each month for review and approval of DBE Commitments. The monthly updated DBE Performance Plan shall be submitted before the execution of a DBE Subcontract.

DBE Performance Plan Section 3, *Diverse Business Subcontractors*, shall contain at a minimum:

1. A summary of all DBE Subcontracts/agreements entered into to date

- 1 2. The name of each DBE (and their respective contact person), address,
2 telephone number
- 3 3. Dollar amount of the Subcontract/agreement Commitment
- 4 4. A description of work to be performed under the Subcontract/agreement
- 5 5. The duration of the Subcontract/agreement
- 6 6. List of firms (DBE and non-DBE) who submit a bid or quote in an attempt
7 to participate in this the Project, whether they were successful or not
- 8 The firms identified by the Design-Builder may be contacted by WSDOT to
9 solicit general information as follows: age of the firm and average of its gross
10 annual receipts over the past three years.
- 11 DBE Performance Plan Section 5, *Plan To Meet DBE Contract Goals*, shall
12 contain at a minimum:
 - 13 1. Action plan for making up lagging participation, if necessary
 - 14 2. A tally comparing DBE Commitments to payments
 - 15 3. Additional strategies to meet the DBE Contract Goal(s)
 - 16 4. Pending commitments or opportunities
 - 17 5. A GFE in accordance with this Section
- 18 DBE Performance Plan Section 6, *Plan For Reporting Goal Attainment*, shall
19 contain a forecast of upcoming DBE opportunities
- 20 Failure to submit an updated DBE Performance Plan and receive approval will
21 result in the associated participation being disallowed.
- 22 If trucking is listed on the DBE Performance Plan, the following is required for
23 each DBE trucking firm prior to hauling services being performed:
 - 24 1. WSDOT Form, 272-058, DBE Trucking Credit Form
 - 25 2. A list of trucks by license plate number and vehicle identification number
26 (VIN) that the DBE owns. Include the size and type of each truck and the
27 year/make of each truck.
 - 28 3. If applicable, a list of trucks to be leased and the information listed in
29 WSDOT Form, 272-058, DBE Trucking Credit Form (above) for each truck
30 and a copy of the lease agreement.
 - 31 4. Number of hours contracted
 - 32 5. Quantities to be hauled
- 33 The Design-Builder and all Subcontractors/Subconsultants/suppliers/service
34 providers that utilize DBEs to perform work on the Project, shall maintain
35 appropriate records that will enable WSDOT to verify DBE participation
36 throughout the life of the Project.

Before execution of a DBE Subcontract, the Design-Builder, Subcontractor, or lower tier Subcontractor shall submit the following items to the WSDOT Engineer:

1. An updated DBE Performance Plan
2. Federal employee identification number (EIN) (if available) and mailing address.
3. WSDOT Form 272-058, *DBE Trucking Credit Form*, if applicable
4. WSDOT Form 422-031, *DBE Written Confirmation Document*. Written confirmation from each DBE that it is participating in the Contract in the kind and amount of work provided in the Design-Builder's DBE Commitment.

1-07.11(12).2.14 Reporting

The Design-Builder is required to report payments (including return of retainage) made to all Subcontractors/Subconsultants/suppliers/service providers who have performed work on the Project. This report shall be submitted monthly to the WSDOT Engineer between Execution of the Contract and Physical Completion of the Contract. For WSDOT projects, the Design-Builder must use the application available at:

<https://omwbe.diversitycompliance.com>

The monthly report is due 20 Calendar Days following the end of the month. A monthly report shall be submitted for every month regardless of whether payments were made or Work occurred.

After Execution of the Contract, the Design-Builder shall send an email to CRP@wsdot.wa.gov containing the following information: the first and last name, email address, title, and phone number of the person that will be submitting the above documents for their company. The email shall include the WSDOT contract number they will be reporting on. After receipt of this information by WSDOT, the Design-Builder will receive an email containing their username and password for the application and a link to the application. Reporting instructions are available in the application. In the event that payments were made to a DBE by a lower tier Subcontractor or supplier, the Design-Builder shall obtain the certification from the paying entity and submit these payments to WSDOT with their monthly reports using the application available at:

<https://omwbe.diversitycompliance.com>.

1-07.11(12).2.15 Changes in Work Committed to DBE

A change in Work that was committed to a DBE requires WSDOT's prior written approval by the WSDOT Engineer and may be subject to the termination and substitution requirements described below. The Design-Builder shall not be entitled to payment for Work or material by the Design-Builder or Subcontractors that was committed to a DBE, in the DBE Performance Plan.

1-07.11(12).2.16 Owner-Initiated Changes

In instances where the WSDOT Engineer changes Work that impacts the Work of a DBE, WSDOT will evaluate the impact on DBE participation. In such instances, WSDOT may direct DBE participation or solicitation of DBEs.

1-07.11(12).2.17 Design-Builder-Initiated Changes

The Design-Builder cannot change the scope or reduce the amount of Work committed to a DBE without good cause. Reducing DBE Commitment is viewed as partial DBE termination, and therefore subject to the termination procedures below. A change in a DBE's scope of Work from that which is listed in the DBE Performance Plan shall be considered a DBE termination.

1-07.11(12).2.18 Original Work Commitment

In the event that Work committed to a DBE is reduced, the Design-Builder is encouraged to look at other work scopes where DBE opportunities may be available.

1-07.11(12).2.19 Design-Builder Proposed DBE Substitutions

Requests to substitute a DBE shall follow the same process as described below for DBE termination. The Design-Builder may only replace a DBE with another certified DBE. When changes are encountered between Contract Award and Execution that result in substitution of a DBE, the substitute DBE shall have been certified prior to execution of its Subcontract.

1-07.11(12).2.20 DBE Termination

Termination of a DBE (or an approved substitute DBE) is only allowable for good cause and with prior written approval of WSDOT. If the Design-Builder terminates a DBE without prior written approval by WSDOT, the Design-Builder is not entitled to payment for work or material that was committed to the DBE, but not performed/supplied by the DBE, nor will the Design-Builder receive DBE credit towards the DBE Goal for that work.

Prior to requesting approval to termination, a committed DBE, the Design-Builder shall provide written notice to the DBE, with a copy to the WSDOT Engineer, of its intent to request to terminate and substitute and the reasons for doing so. The DBE shall have 5 Calendar Days to respond to the Design-Builder's notice. The DBE's response shall either support the termination or advise WSDOT and the Design-Builder of the reasons it objects to the termination of its Subcontract. When a DBE is terminated or fails to complete its Work on the Contract, the Design-Builder shall make GFE and follow the process to substitute with another DBE for the same amount of work under the original contract that was terminated. The Design-Builder shall submit substitution information or documented GFE to WSDOT within 2 Calendar Days of the approval of termination. Replacement of the DBE Commitment shall include a description of the Work and include the same detail as is required in the DBE Performance Plan.

- 1 For purposes of the DBE program, good cause may exist if:
- 2 1. The DBE fails or refuses to execute a written contract.
 - 3 2. The DBE fails or refuses to perform the Work of its Subcontract in a way
 - 4 consistent with industry standards.
 - 5 3. The DBE fails or refuses to meet the Design-Builder's reasonable
 - 6 nondiscriminatory bond requirements.
 - 7 4. The DBE becomes bankrupt, insolvent, or exhibits credit unworthiness.
 - 8 5. The DBE is ineligible to work on public works projects because of
 - 9 suspension and debarment proceedings pursuant to Federal law or
 - 10 applicable State law.
 - 11 6. The DBE is ineligible to receive DBE credit for the type of work involved.
 - 12 7. The DBE voluntarily withdraws from the Project and provides written
 - 13 notice of its withdrawal.
 - 14 8. The DBE's owner dies or becomes disabled with the result that the DBE is
 - 15 unable to complete its Work on the Contract.

16 Good cause does not exist if:

- 17 1. The Design-Builder seeks to terminate a DBE so that the Design-Builder
- 18 can self-perform the Work.
- 19 2. The Design-Builder seeks to terminate a DBE so the Design-Builder can
- 20 substitute another DBE or non-DBE after execution of the DBE
- 21 Subcontract.
- 22 3. The failure or refusal of the DBE to perform its Work on the Subcontract
- 23 results from the bad faith or discriminatory action of the Design-Builder
- 24 (e.g., the failure of the Design-Builder to make timely payments or the
- 25 unnecessary placing of obstacles in the path of the DBE's Work).

26 **1-07.11(12).2.21 Decertification**

27 When a DBE is "decertified" (no longer qualifies under the DBE program) from
28 the DBE program during the course of the Contract, the participation of that DBE
29 shall continue to count towards the DBE Goal as long as the Subcontract with the
30 DBE was executed prior to the decertification notice. If a
31 contract/Subcontract/agreement was not executed with the DBE prior to the
32 decertification notice, the Design-Builder will be required to meet the DBE Goal
33 by obtaining participation with another certified DBE firm or provide
34 documentation of its GFE.

35 **1-07.11(12).2.22 Consequences of Non-Compliance**

36 **1-07.11(12).2.22.1 Breach of Contract**

37 Failure to carry out the DBE requirements of 49 CFR Part 26 and those specified
38 in the Contract Documents constitutes a breach of contract. WSDOT will notify

the Design-Builder and the USDOT of such breach, including notification that the breach may result in termination of the Contract by WSDOT or imposition of other appropriate sanctions. This notice is given pursuant to 49 CFR Part 26.

1-07.11(12).2.22.2 Notice

If the Design-Builder or a Subcontractor, consultant, Subconsultant, supplier or service provider is deemed to be in non-compliance, the Design-Builder will be informed in writing, by WSDOT, that sanctions will be imposed for failure to meet DBE Goals and submit documentation of GFE. The notice will state the specific sanctions to be imposed which may include impacting a Design-Builder's or other entity's ability to participate in future contracts.

1-07.11(12).2.22.3 Sanctions

If it is determined that the Design-Builder's failure to meet all or part of the DBE Goal is due to the Design-Builder's inadequate GFE throughout the life of the Contract, including failure to submit timely, required GFE information and documentation, the Design-Builder may be required to pay a DBE penalty equal to the amount of the unmet DBE Goal, in addition to the sanctions outlined in Section 1-07.11(5) of this Section.

1-07.11(12).2.22.4 Payment

Compensation for all costs involved with complying with the conditions of this Section and all other associated DBE requirements is included in the Proposal Price, except as otherwise provided in the Contract Documents.

1-07.11(12).2.23 Warranty Work Performed After Physical Completion

Payments to DBE's, for work that otherwise meets the requirements for being counted towards participation, that is for warranty work which occurs after the date of Physical Completion will not count as DBE participation and shall not be reported.

1-07.11(13) Special Training Provisions

1-07.11(13).1 General Requirements

The Design-Builder's EEO, affirmative action program shall include the requirements set forth below. The Design-Builder shall provide On-the-Job Training (OTJ) aimed at developing trainees to journey-level worker status in the trades involved. The number of training hours shall be ***\$1\$\$. Trainees shall not be assigned less than 400 hours per individual per contract. The Design-Builder may elect to accomplish training as part of the Work of a Subcontractor; however, the Design-Builder shall retain the responsibility for complying with these General Provisions (achieving the training goal). When the Design-Builder's training plan includes trainees for Subcontractors or lower-tier Subcontractors, this training provision shall be included in the Subcontract.

1-07.11(13).2 Trainee Approval

The Design-Builder shall make every effort to employ/enroll minority, women, and disadvantaged trainees to the extent such Persons are available within a reasonable recruitment area. This training provision is not intended and shall not be used to discriminate against an applicant for training, whether that Person is a minority, women, and disadvantaged individuals. A non-minority male trainee or apprentice may be approved provided the following requirements are met:

1. The Design-Builder is otherwise in compliance with the Contract's EEO and OJT Training requirements and provides documentation of the efforts taken to fill the specific training position with minority, women, or disadvantaged individuals.
2. If not otherwise in compliance, furnishes evidence of his/her systematic and direct recruitment efforts in regard to the position in question and in promoting the enrollment, or employment, or minority, women, or disadvantaged individuals in the craft which the proposed trainee is to be trained.
3. The Design-Builder has made GFE toward recruiting of minorities, women, and disadvantaged individuals in accordance with this Section.

No employee shall be employed as a trainee in a classification in which the employee has successfully completed training leading to journey-level worker status or in which the employee has been employed as a journey-level worker. The Design-Builder's records shall document the methods for determining the trainee's status and findings in each case. When feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

For the purpose of this specification, acceptable training programs are those employing trainees/apprentices registered with the following:

1. L&I — State Apprenticeship Training Council (SATC) approved apprenticeship agreement:
 - a) Pursuant to RCW 49.04.060, an apprenticeship agreement shall be:
 - (1) An individual written agreement between an employer and apprentice
 - (2) A written agreement between (an employer or an association of employers) and an organization of employees describing conditions of employment for apprentices
 - (3) A written statement describing conditions of employment for apprentices in a plant where there is no bona fide employee organization

All such agreements shall conform to the basic standards and other provisions of RCW Chapter 49.04.

- 1 2. Apprentices must be registered with U.S. Department of Labor -
2 Apprenticeship Training, Employer, and Labor Services (ATELS) approved
3 program.
4 Or
5 3. Non-ATELS/SATC programs that have been submitted to WSDOT for
6 approval by FHWA for the specific project.

7 **1-07.11(13).3 Obligation to Provide Information**

8 Upon starting a new trainee, the Design-Builder shall furnish the trainee a copy of
9 the approved program the Design-Builder will follow in providing the training.
10 Upon completion of the training, the Design-Builder shall provide WSDOT with a
11 certification showing the type and length of training satisfactorily completed by
12 each trainee.

13 The Design-Builder will report monthly the name of the trainee/apprentice, total
14 hours trained under the program, and the apprentice trade of the trainee. The
15 Design-Builder will also report the effort to enroll minorities, women, and
16 disadvantaged individuals when a new enrollment occurs.

17 **1-07.11(13).4 Training Program Approval**

18 The Training Program shall meet the following requirements:

- 19 1. WSDOT Form 272-049, *Training Program* must be submitted to the
20 WSDOT Engineer for approval prior to commencing contract Work and
21 shall be re-submitted when modifications to the program occur.
- 22 2. The minimum length and type of training for each classification will be as
23 established in the training program as approved by WSDOT.
- 24 3. The Training Program shall contain the trades proposed for training, the
25 number of trainees, the hours assigned to the trade and the estimated
26 beginning work date for each trainee.
- 27 4. Unless otherwise specified, Training Programs will be approved if the
28 proposed number of training hours equals the training hours required by
29 Contract.
- 30 5. After approval of the training program, information concerning each
31 individual trainee and GFE documentation shall be submitted on WSDOT
32 Form 272-050, *Apprentice/Trainee Approval Request*.
- 33 6. Flagging programs will not be approved. Other programs that include
34 flagging training will only be approved if the flagging portion is limited to
35 an orientation of not more than 20 hours.
- 36 7. It is the intention of these provisions that training is to be provided in the
37 construction crafts rather than clerk-typists or secretarial-type positions.
38 Training is permissible in lower level management positions such as office
39 engineers, estimators, timekeepers, etc., where the training is oriented

toward construction applications. Some off-site training is permissible as long as the training is an integral part of an approved training program.

8. It is normally expected that a trainee will begin training on the Project as soon as feasible after start of work, utilizing the skill involved and remain on the Project as long as training opportunities exist in the work classification or the trainee reaches journey-level worker status. It is not required that all trainees be on board for the entire length of the Contract. The number trained shall be determined on the basis of the total number enrolled on the Contract for a significant period.

9. Wage Progressions: Trainees will be paid at least the applicable ratios or wage progressions shown in the apprenticeship standards published by L&I. In the event that no training program has been established by L&I, the trainee shall be paid in accordance with the provisions of RCW 39.12.021, which reads as follows:

Apprentice workers employed upon public works projects for whom an apprenticeship agreement has been registered and approved with the State Apprenticeship Council pursuant to RCW 49.04, must be paid at least the prevailing hourly rate for an apprentice of that trade. A worker for whom an apprenticeship agreement has not been registered and approved by the State Apprenticeship Council shall be considered to be a fully qualified journey-level worker, and, therefore, shall be paid at the prevailing hourly rate for journey-level worker.

1-07.11(13).5 Compliance

In the event that the Design-Builder is unable to accomplish the required training hours but can demonstrate GFE to meet the requirements as specified, then WSDOT may consider an adjustment to the training goals. Noncompliance with the Special Training Provisions may also result in suspension of qualifications per WAC 468-16-180.

1-07.11(13).6 Noncompliance and Sanctions

When a Design-Builder violates EEO provisions of the Contract, WSDOT may impose damages in accordance with WSDOT's Equal Opportunity Compliance Program and the FHWA 1273. These damages consist of additional administrative costs including, but not limited to, the inspection, supervision, engineering, compliance, and legal staff time and expenses necessary for investigating, reporting, and correcting violations, as well as loss of federal funding. Damages attributable to a Design-Builder's violations of the EEO provisions may be deducted from progress payments due the Design-Builder. Before money is withheld, the Design-Builder will be provided with a notice of the basis of the violations, the amount to be withheld and provided an opportunity to respond. The monetary value of the sanction will be calculated on a case-by-case basis and based on the damages incurred by WSDOT.

WSDOT's decision to recover damages for an EEO violation does not limit its ability to suspend or revoke the Design-Builder's pre-qualification status or seek other remedies as allowed by federal or State law. In appropriate circumstances, WSDOT may also refer the Design-Builder to other State or federal authorities for additional sanctions.

1-07.11(13).7 Good Faith Efforts for Special Training

If the Design-Builder is not successful recruiting minorities, women, or disadvantaged individuals or is unable to accomplish the required training hours, the Design-Builder shall document their GFE and submit the documentation to the WSDOT Engineer. The documentation shall describe in detail why the Design-Builder is not or was not able to accomplish the special training.

For recruiting of minorities, women, and disadvantaged individuals, GFE shall include at a minimum the following:

Distribution of written notices of available employment opportunities with the Design-Builder and enrollment opportunities with its unions. Distribution should include, at a minimum, minority, women, and disadvantaged individual recruitment sources, WSDOT's OJT Support Services Coordinator, and minority, women, and disadvantaged community organizations.

Records documenting the Design-Builder's efforts and the outcome of those efforts, to employ minority, women, and disadvantaged individual applicants, refer them to unions, or both.

Records reflecting the Design-Builder's efforts in participating in developing minority, women, and disadvantaged individual on-the-job training opportunities, including upgrading programs and apprenticeship opportunities;

Distribution of written notices to unions and training programs disseminating the Design-Builder's EEO policy and requesting cooperation in achieving EEO and OJT obligations (and their written responses). For assistance in locating trainee candidates, the Design-Builder may call WSDOT's OJT Support Services Coordinator at (360) 704-6314 or email ojtssinfo@wsdot.wa.gov.

Recruitment efforts shall reflect two-way communications.

For training hours, GFE shall include records documenting the name of the trainee/apprentice, total hours trained under the program, and the apprentice trade of the trainee.

1-07.11(13).8 Requirements for Non ATELS/SATC Approved Training Programs

Design-Builders who are not affiliated with a program approved by ATELS or SATC may have their training program approved (by FHWA) provided that the program is submitted for approval on WSDOT Form 272-049, *Training Form*, and the following standards are addressed and incorporated in the Design-Builder's program:

1. The program establishes minimum qualifications for Persons entering the training program.
2. The program shall outline the work processes in which the trainee will receive supervised work experience and training on-the-job and the allocation of the approximate time to be spent in each major process. The program shall include the method for recording and reporting the training completed shall be stated.
3. The program shall include a numeric ratio of trainees to journey-level worker consistent with proper supervision, training, safety, and continuity of employment. The ratio language shall be specific and clear as to application in terms of job site and workforce during normal operations (normally considered to fall between 1:10 and 1:4).
4. The terms of training shall be stated in hours. The number of hours required for completion to journey-level worker status shall be comparable to the apprenticeship hours established for that craft by the SATC. The following are examples of programs that are currently approved:

Craft	Hours
Laborer	4,000
Ironworker	6,000
Carpenter	5,200-8,000
Construction Electrician	8,000
Operating Engineer	6,000-8,000
Cement Mason	5,400
Teamster	2,100

5. The method to be used for recording and reporting the training completed shall be stated.

1-07.11(14) Federal Small Business Enterprise Participation

The Federal Small Business Enterprise (FSBE) Program is an element of the Disadvantaged Business Enterprise (DBE) in accordance with the requirements of 49 CFR Part 26.39. Failure to comply with the requirements of this Section may result in sanctions as provided by the Contract.

1-07.11(14).1 FSBE Goal

WSDOT has established FSBE Goals in the amount of ***\$1\$*** percent for the design portion and ***\$2\$*** percent for the construction portion of the Contract.

**Executive TEIS - Capital Projects System
Project Detail With Fund Types**

SR 167/SR 410 to SR 18 - Congestion Management

ProjectID(PIN):	316706C	Contracting Method:	Design Bid Build	Percent Complete:	0%	Revenue Package:	05 TPA
Description:	Construct managed lane			Bond Eligible:	N		
Book Description:	This section of SR 167 experiences severe congestion and operational problems due to high traffic volumes. By re-striping the existing roadway to create tolled/managed lanes, installing lane control signing, CCTV cameras, data stations, ramp meters, variable message sign and illumination, this project will reduce congestion and improve motorist safety. This project would extend the SR 167 express toll lanes in the northbound and southbound directions to the SR 410/SR 512 interchange. A fish passage barrier within the project limits will also be addressed.						
Route:	State Route 167	Mile Posts:	5.75 - 14.35	DOT Region:	Olympic		
Program/Sub-Program:	Improvement / Mobility			County:	King, Pierce		
Sub-Category:	HOVs			Congressional District(s):			
Improvement Types:	Puget Sound Core Lane HOV			Legislative Districts(s):	25, 30, 31		
Major Corridor:	Complete Puget Sound Core HOV System - Multiple Highways			Urban Area:	Seattle-Tacoma-Everett		
Project Origin:	Dedicated Fed or Local Grant			Location:	Sumner		

PROJECT STATUS

<u>Phase</u>	<u>Start Date</u>	<u>End Date</u>	<u>Phase Status</u>	<u>Milestone</u>	<u>Date</u>	<u>Actl</u>
Preliminary Engineering	05/31/2018	03/01/2021	Legislatively Approved			
Construction	02/04/2021	04/15/2022	Legislatively Approved			
Other	07/01/2023	06/30/2029	Legislatively Approved			

Executive TEIS - Capital Projects System

Project Detail With Fund Types

PROJECT COSTS												
Phase/Fund Type	Prior	21 - 23	23 - 25	25 - 27	27 - 29	29 - 31	31 - 33	33 - 35	35 - 37	37 - 39	Future	Total
Preliminary Engineering	3,715,000	2,737,000	100,000	5,300,000	3,000,000	0	0	0	0	0	0	14,852,000
Ded Fed STP - MVA	315,000	0	0	0	0	0	0	0	0	0	0	315,000
Federal NHPP - MVA	808,000	0	0	0	0	0	0	0	0	0	0	808,000
Federal STP - MVA	433,000	0	0	0	0	0	0	0	0	0	0	433,000
State - 405/167 Express Toll	2,078,000	2,737,000	0	5,300,000	3,000,000	0	0	0	0	0	0	13,115,000
State - MVA	81,000	0	0	0	0	0	0	0	0	0	0	81,000
State - TPA	0	0	100,000	0	0	0	0	0	0	0	0	100,000
Construction	1,403,000	28,541,000	18,003,000	600,000	57,800,000	14,100,000	0	0	0	0	0	120,447,000
Ded Fed STP - MVA	0	4,700,000	0	0	0	0	0	0	0	0	0	4,700,000
Federal NHPP - MVA	1,398,000	12,803,000	2,362,000	0	0	0	0	0	0	0	0	16,563,000
Local - MVA	0	5,000	0	0	0	0	0	0	0	0	0	5,000
State - 405/167 Express Toll	0	9,914,000	14,738,000	0	53,522,000	14,100,000	0	0	0	0	0	92,274,000
State - MVA	5,000	279,000	3,000	0	0	0	0	0	0	0	0	287,000
State - TPA	0	840,000	900,000	600,000	4,278,000	0	0	0	0	0	0	6,618,000
Other	0	0	0	0	0	0	0	0	0	0	0	0
Other - NONE	0	0	0	0	0	0	0	0	0	0	0	0
State - 405/167 Express Toll	0	0	0	0	0	0	0	0	0	0	0	0
Unfunded - NONE	0	0	0	0	0	0	0	0	0	0	0	0
Project Totals	5,118,000	31,278,000	18,103,000	5,900,000	60,800,000	14,100,000	0	0	0	0	0	135,299,000
Ded Fed STP - MVA	315,000	4,700,000	0	0	0	0	0	0	0	0	0	5,015,000
Federal NHPP - MVA	2,206,000	12,803,000	2,362,000	0	0	0	0	0	0	0	0	17,371,000
Federal STP - MVA	433,000	0	0	0	0	0	0	0	0	0	0	433,000
Local - MVA	0	5,000	0	0	0	0	0	0	0	0	0	5,000
Other - NONE	0	0	0	0	0	0	0	0	0	0	0	0
State - 405/167 Express Toll	2,078,000	12,651,000	14,738,000	5,300,000	56,522,000	14,100,000	0	0	0	0	0	105,389,000
State - MVA	86,000	279,000	3,000	0	0	0	0	0	0	0	0	368,000
State - TPA	0	840,000	1,000,000	600,000	4,278,000	0	0	0	0	0	0	6,718,000
Unfunded - NONE	0	0	0	0	0	0	0	0	0	0	0	0

NOTE: Funds highlighted in yellow are associated with the SR 167 Southbound Congestion project

SR 167 Master Plan
Planning and Environmental Linkages Study

Attachment F. FHWA Concurrence and Agency Support Letters

Final Study

JUNE 2023



Prepared by:
Washington State Department of Transportation



WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
SR 167 Master Plan Planning and Environmental Linkages (PEL) Study

Approved by:



U.S. Department
of Transportation
**Federal Highway
Administration**

Ralph Rizzo
FHWA, Washington Division Administrator

6/28/2023

Date



Julie Meredith
WSDOT, Assistant Secretary of
Urban Mobility, Access and Megaprograms

6/28/2023

Date



Brian Nielsen
WSDOT, Northwest Region Administrator

6/28/2023

Date

June 7, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region, especially South King County, is thriving and attracting large population and employment growth due to the more affordable nature of the area. This growth and the missing middle housing directives of the State Legislature increases the strain on our local and regional transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There continues to be a need to move people and goods by providing a multimodal transportation system that works now and into the future and serves our diverse communities.

Over the past year and a half, the City of Auburn has coordinated closely with the Washington State Department of Transportation and other jurisdictions and agencies with interest in improving the corridor to develop the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work to develop a plan that best meets the needs of our diverse communities.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move towards implementation and encourage and support WSDOT to seek funding for the SR167 Implementation Plan that is necessary to keep this moving forward and address the needs of South King County and the SR167 Corridor. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future and the City looks forward to continued partnership and collaboration with WSDOT and other Stakeholders on the next steps.


The City appreciates and commends WSDOT for their efforts to include all agencies impacted and served by the SR 167 Corridor and to include the voices of those communities who are historically underserved or disadvantaged. The SR 167 Corridor serves a diverse population with a variety of transportation needs and finding a balance between capacity improvements for passengers and freight, pedestrian and bicycle infrastructure needs, and transit expansion was not an easy task along a corridor that has not been served well historically.

As noted in the final plan, the City continues to be concerned about the potential changes to SR 167 Tolling System for high-occupancy vehicles and the timing of those changes as it's related to the timing of infrastructure improvements identified in the Master Plan and the potential negative impact these changes, if timed incorrectly, may have on our diverse populations served by the Corridor. The change from high occupancy and toll (HOT) lane to an express toll lane (ETL) system will bring the consistency to the regions tolling system, which we support. However, the possible change to increase the HOV occupancy requirements for usage before making improvements to SR 167 will increase congestion in the general-purpose lanes and put an undue burden on the equity populations that use SR 167 as described in the Master Plan document. As identified in the Master Plan, the City supports the development of a low income toll program as it has the potential to greatly benefit the region and our diverse populations in South King County.

The City would also like to request that the Legislature prioritize implementation and funding of projects within the Master Plan, specifically the completion of the SR 18 / SR 167 interchange. Completion of the interchange would have significant regional and local benefit and is long overdue. The City looks forward to the opportunity to work collaboratively with WSDOT and the Washington State Transportation Commission to ensure that these changes are made such that they create the least harm.

We look forward to the ongoing discussion and collaboration with WSDOT and the other jurisdictions and agencies as we work towards project prioritization, funding, and implementation.

Sincerely,

A handwritten signature in black ink that reads "Nancy Backus". The signature is written in a cursive, flowing style.

Nancy Backus
Mayor



June 1, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region is thriving and attracting large population and employment growth. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, the City of Edgewood has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work, focusing on closing gaps and removing barriers in our area.

We would like to share our support the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future. In addition to proposed improvements along SR 167 itself, Edgewood is pleased to see support for the Interurban Trail and Meridian Business Access and Transit (BAT) Lanes.

We look forward to the ongoing discussion as we work towards project prioritization, funding, and implementation.

Sincerely,



Daryl Eidinger
Mayor



June 29, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:


The Puget Sound region is thriving and attracting large population and employment growth. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, the City of Fife has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future.

We look forward to the ongoing discussion as we work towards project prioritization, funding, and implementation.

Sincerely,


Mayor Kim Roscoe


Councilmember Pat Hulcey



OFFICE OF THE MAYOR

Dana Ralph, Mayor
220 4th Avenue South
Kent, WA 98032
Fax: 253-856-6700

PHONE: 253-856-5700

June 15, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region is thriving and attracting large population and employment growth. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future. The SR 167 Corridor supports diverse transportation needs. It connects some of the remaining affordable housing in the south to living wage jobs in the valley and northern King County. The Corridor also provides a vital freight link between manufacturing and warehousing in the industrial valley to port facilities near the valley and freight destinations to the east.

Over the past year and a half, the City of Kent has coordinated closely with the Washington State Department of Transportation and other jurisdictions and agencies with interest in improving the corridor to develop the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals, and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future. We encourage, and support, WSDOT seeking funding for an SR 167 Implementation Plan so these needed improvements can be prioritized for funding.

We look forward to the continuing discussion with WSDOT and the other jurisdictions and agencies as we work towards project prioritization, funding, and implementation.

Sincerely,

A handwritten signature in black ink that reads "Dana Ralph".

Dana Ralph
Mayor



Armondo Pavone Mayor

May 30, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

RE: Letter of Support for SR 167 Master Plan

Dear Secretary Millar:

The Puget Sound region is thriving and attracting increased population and employment growth. This growth increases the strain on our existing transportation infrastructure and services, resulting in increased traffic congestion and the need for investment in the maintenance and preservation of our transportation system. There creates a need to move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, the City of Renton has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals, and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support of the final recommendation for the SR 167 Master Plan and are ready to engage in the next steps as we move toward implementation. We are particularly interested in further definition of interchange improvements at South 43rd Street and completing improvements at the I-405 interchange. We are also grateful that the Legislature included \$750,000 in the 2023-25 Transportation Budget to study transit access improvements to the new transit center located at SR 167 and Grady Way South. This collaborative effort between WSDOT, Sound Transit, and the City of Renton will be critical to the speed and reliability of the new BRT STRIDE service.

The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future.

We look forward to the ongoing cooperation as we work towards project prioritization, funding, and implementation.

Sincerely,

Armondo Pavone
Mayor



CITY OF
SUMNER
WASHINGTON

1104 MAPLE STREET, SUMNER WA 98390

June 21, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

Like the Puget Sound region around us, Sumner continues to grow, both with residents as we add critical missing middle housing and with employees as businesses continue to grow and thrive in our Manufacturing Industrial Center. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, the City of Sumner has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future.

Generally, the City agrees with the final recommendation, primarily the improvements to SR 167 lane configurations. However, we have concerns about the direct access ramps identified near Sumner Station and how these ramps would affect our community. The State of Washington has required cities like Sumner to add the missing middle housing, especially around transit; Sumner's Town Center Plan encourages extensive multi-family development in this same area. WSDOT must work closely and collaboratively with City planners to ensure this project supports transportation access and high-occupancy users without displacing needed affordable housing near transit.

Secretary Millar
Page 2
June 21, 2023

Separately, the City has concerns about the timing of changes to the high-occupancy vehicle lanes with future shifts to tolling and the potential to increase high-occupancy vehicle requirements from two persons to three persons. The City plans to actively coordinate with WSDOT to determine the ideal timing of these changes in coordination with corridor capital improvements.

We look forward to the ongoing discussion as we work towards project prioritization, funding, and implementation.

Sincerely,

DocuSigned by:

3420AB72F52C4FD...
Kathy Hayden, Mayor
City of Sumner



June 8, 2023

Roger Millar, Secretary of Transportation
Washington State Department of Transportation (WSDOT)
P.O. Box 47316
Olympia, WA 98504-7316

Subject: SR 167 Master Plan Recommendation

Dear Secretary Millar,

We all recognize that the Puget Sound region is thriving and attracting large population and employment growth. However, this growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and ever greater needs for maintenance and preservation. Now, more than ever, there is also a need to move people and goods by providing a fully integrated multimodal transportation system that works not only today but well into the future.

Over the past year and a half, Pierce Transit has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the vision, goals and metrics to the draft recommendation, we have provided comments and insights to help advance the work. We also participated in a transit-specific subgroup with our Sound Transit and King County Metro agency partners as high capacity transit is proposed for the new and extended SR 167 corridor within Pierce County.

We would like to share our support the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future.

In closing, we very much look forward to the ongoing discussion as we collectively work towards project prioritization, funding, and implementation.

Kindest regards,

A handwritten signature in dark ink, appearing to read "Mike Griffus".

Mike Griffus
Chief Executive Officer

Cc: Lindsey Sehmel - Pierce Transit
Darin Stavish - Pierce Transit





June 7, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region is thriving and attracting large population and employment growth. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future. Both the Port of Tacoma and the Northwest Seaport Alliance, a port development authority governed by the ports of Seattle and Tacoma, are dependent on a reliable, efficient and safe transportation system that connects our Tacoma cargo facilities to warehousing and distribution centers in the Green River Valley, and to agricultural exporters in Eastern Washington. SR-167 in its entirety is a critical corridor that provides these connections.

Over the past year and a half, the Port of Tacoma and The Northwest Seaport Alliance have coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move towards implementation. The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future. It provides critical connections between our facilities and our business partners.

We look forward to the ongoing discussion as we work towards project prioritization, funding, and implementation.

Sincerely,

A handwritten signature in blue ink that reads "Dick Marzano".

Commissioner Dick Marzano
Port of Tacoma and Northwest Seaport Alliance



Puget Sound Regional Council

1011 WESTERN AVENUE, SUITE 500 \\\ SEATTLE, WA 98104•1035 \\\ psrc.org \\\ 206•464•7090

June 29, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region is thriving and attracting large population and employment growth. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, the Puget Sound Regional Council has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals and Metrics to the draft recommendation, we have provided comments and insights to help advance the work.

We would like to share our support of the final recommendation and are ready to engage in the next steps as we move towards implementation. This will include working with partners to ensure all investments are in alignment with the Regional Transportation Plan and the Regional and State Transportation Improvement Programs.

The SR 167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future. We look forward to the ongoing discussion as this important work moves forward.

Sincerely,

Josh Brown, Executive Director
Puget Sound Regional Council



June 29, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Subject: Letter of Support for SR-167 Master Plan

Dear Secretary Millar:

The Puget Sound region is thriving and attracting large population and employment growth. This growth increases the strain on our transportation infrastructure and services, resulting in more traffic congestion and greater needs for maintenance and preservation. As a result, we must move people and goods by providing a multimodal transportation system that works now and into the future.

Over the past year and a half, Sound Transit has coordinated closely with the Washington State Department of Transportation (WSDOT) on the SR-167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals, and Metrics to a draft recommendation, we have provided comments and insights to help advance the work.

We are happy that the Master Plan references our Sounder S Line Commuter Rail. The S Line serves SR-167 corridor communities from Seattle to Lakewood, with plans for a future extension to DuPont. Stations near SR-167 include Tukwila, Kent, Auburn, Sumner, and Puyallup. These stations are hubs to other modes of transit in these communities. Later this year, we will begin updating the Sounder South Strategic Plan and considering opportunities for Sounder trips beyond the primarily peak travel periods served today. We look forward to collaborating with WSDOT and local jurisdictions in that work.

In addition to and complementing Sounder rail service, Sound Transit serves the SR-167 corridor with weekday ST Express bus routes. All-day service connects Puyallup, Sumner, Auburn, Federal Way, and Seattle, and peak-period service connects certain stations with Renton, Bellevue, Redmond, Lakewood, and Bonney Lake.

With travel along the SR-167 corridor currently supported by Sounder, ST Express, and other bus routes operated by Pierce Transit and King County Metro, we view the Master Plan's proposed Bus Rapid Transit (BRT) route as a welcome inclusion that would elevate the corridor's level of transit service to that envisioned in the ST Long-range Plan.

CHAIR

Dow Constantine
King County Executive

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Washington State Secretary of Transportation

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King County Council Chair

Peter von Reichbauer
King County Councilmember

Kristina Walker
Tacoma Deputy Mayor

CHIEF EXECUTIVE OFFICER

Julie E. Timm

Letter of Support for SR-167 Master Plan
June 29, 2023
Page 2

Although not funded in Sound Transit 3 (ST3), BRT service and infrastructure is logical and helpful to include in the SR-167 Master Plan, as are all the other Plan elements that improve transit operations and coverage within and through the corridor.

Sound Transit supports the final recommendations and stands ready to engage in next steps as WSDOT moves towards implementation. The SR-167 Master Plan final recommendation provides multimodal transportation solutions that meet community needs and are sustainable into the future.

We look forward to the ongoing discussion as we collectively work towards project prioritization, funding, and implementation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Billen', is positioned above the printed name.

Don Billen
Executive Director of Planning, Environment & Project Development

cc: April Delchamps, WSDOT Planning Manager, Management of Mobility Division
Chelsea Levy, Sound Transit Acting Deputy Executive Director of Capitol Project Development
Eric Chipps, Sound Transit Principal Transportation Planner, Office of Planning & Integration
Austin Neilson, Sound Transit Government & Community Relations Manager
Alex Krieg, Sound Transit Director of Access, Integration & Station Area Planning

A Case for Transit Improvements for the [State Route 167 Corridor](#)

This document was developed, reviewed, and approved by WSDOT, King County Metro, Pierce Transit, and Sound Transit.

April 13, 2023

Purpose: Highlight partnership and coordination strategies to implement transit and multimodal projects identified in the State Route 167 Master Plan.

Overall Statement of Policy: The existing multimodal transportation system in the SR 167 corridor and broader study area needs expansion to fully meet the transportation needs of residents and businesses, particularly the most disadvantaged populations, and address the climate crisis. According to the Puget Sound Regional Council, many communities along the SR 167 corridor are at higher risk of displacement as economic growth puts pressure on the housing market. In keeping with regional development policies, equitable investment in local transit could help offset this risk and reduce displacement.ⁱ In addition, the COVID-19 pandemic has fundamentally changed travel patterns and demand, requiring a nimbler, data-driven set of mobility options and planning tools. These conditions necessitate a new approach to transportation investment within the SR 167 study area to provide access to economic and social opportunities, reduce emissions, and improve safety.

The SR 167 Master Plan, a collaboration between the Washington State Department of Transportation (WSDOT), regional transit providers, the community, freight partners and local jurisdictions, is pursuing a comprehensive mix of multi-modal transportation solutions for the SR 167 corridor from a regional context that increases transportation options, transit speed and reliability, and that integrates existing and future land use policies and practices. This approach is anticipated to be executed using data related to trip type, social equity (access for those that need transit the most), and safety. Partnership and coordination are critical to attaining the SR 167 Master Plan co-created vision. During the development of the SR 167 Master Plan, a collaboration effort between WSDOT and regional transit agencies identified six strategies to include in the comprehensive approach for implementing the SR 167 Master Plan.

Partnership Strategies	Rationale/Positioning
<p>1 Managing demand through equitable pricing, policies, and technologies</p>	<p><i>Managing demand is a critical strategy for addressing traffic congestion on SR 167 (as opposed to increasing general purpose capacity). This strategy makes efficient use of the existing facilities, maximizes any strategic capacity investments, provides flexibility in adapting to changing conditions, and is essential for reducing emissions. Dynamically managing demand on roadways improves bus speeds and reliability and increases ridership. WSDOT already manages demand on SR 167 using high-occupancy toll lanes and can support further lane management policies in coordination with the Washington State Transportation Commission. However, any implementation should center social equity in the policy development process to not exacerbate inequities in the transportation system. With lessons learned from I-405, there is a timely opportunity to test equitable pricing to manage demand along the SR 167 corridor.</i></p> <p><i>Examples of actions to manage demand include, but aren't limited to:</i></p> <ul style="list-style-type: none"> <i>• Pilot equitable pricing policies and programs on SR 167.</i> <i>• Consider the expansion of managed lanes on complementary and connecting highways to manage traffic within the broader study area.</i> <i>• Outreach, information, and marketing to increase public awareness of newly implemented options as well as alternatives to driving on SR 167.</i>
<p>2 Investment in a frequent, all-day transit network and support for land use integration</p>	<p><i>Increasing transit service across the transportation network to provide frequent service for at least 18 hours a day, all days of the week should be prioritized. Implementation should be conducted in partnership with jurisdictions to better optimize service across all types of facilities and land uses. Implementation will be informed by a strong focus on providing service where it is most needed.</i></p> <p><i>Examples of actions to develop an all-day network include, but aren't limited to:</i></p> <ul style="list-style-type: none"> <i>• Invest in bus service that is directly allocated to vulnerable populations and overburdened communities.</i> <i>• Evaluate and implement methods to strengthen local comprehensive plans' Transportation Elements to better synchronize land use plans to be measurably transit supportive.</i> <i>• Ensure state highway and local street networks optimize transit operations where they intersect.</i> <i>• Working with cities, develop formal capital agreements that assist transit travel times, safety, and the role of micro transit. Transit</i>

		<p><i>must be planned ahead to maximize access and reliability. Support communication between WSDOT, jurisdictions, and regional transit agencies to identify and implement process improvements to deliver transit facilities and services.</i></p> <ul style="list-style-type: none"> • <i>Work with federal and state agencies, transit agencies, cities, counties, tribal governments, and railroads to expand capacity and use of rail infrastructure along and within the SR 167 corridor for passenger rail (e.g., Amtrak, Sounder) and freight rail services. Railroad rights-of-way that parallel and intersect SR 167 provide significant long-term opportunities to increase transport capacity without relying on roadway expansion.</i>
3	Expansion of Bus Rapid Transit	<p><i>Bus Rapid Transit (BRT) lines provide faster, more reliable connections as part of the region's high-capacity transit network. Planned BRT investments include:</i></p> <ul style="list-style-type: none"> • <i>King County Metro is slated to add several more RapidRide lines, including the I Line serving and improving connectivity between Auburn and Renton in a corridor parallel to SR 167. In addition, Metro is beginning the process of studying and prioritizing additional RapidRide routes serving corridors that intersect with SR 167.</i> • <i>Sound Transit is adding a new BRT line on I-405 between Bellevue and Burien that connects to RapidRide I.</i> • <i>Sound Transit Express service currently operates on a portion of 167 and has plans to extend service to Fife upon completion of WSDOT's SR 167 Completion Project</i> • <i>Pierce Transit plans to begin Stream BRT service to the Tacoma Dome station in 2027 and is exploring additional BRT lines to and through Puyallup as part of its Bus Rapid Transit System Expansion Study.</i> <p><i>Examples of actions to further expand bus rapid transit include, but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>Facilitate project coordination, land use and design that support the future operation of BRT service on key corridors.</i> • <i>Invest in speed and reliability improvements in advance of or in coordination with BRT service.</i> • <i>Improve or develop interchanges to allow safe and efficient operations for existing or potential future BRT lines that intersect with but do not travel on SR 167.</i> • <i>Invest in complete streets to support access to bus rapid transit.</i> • <i>Develop partnerships between transit agencies, WSDOT, local jurisdictions and PSRC to pursue opportunities for coordinated transit improvement and define roles and responsibilities.</i> • <i>Focus on connecting new BRT service, especially east-west connections, with existing and planned BRT, Link Light rail, Sounder, and transit hubs.</i>

4	Collaboration for speed and reliability improvements	<p><i>Transit agencies and cities often partner on transit priority improvements within local roadways to increase transit speeds and reliability, which in turn allows for greater system efficiency. Transportation partners (cities, transit agencies, and WSDOT) should prioritize Business Access and Transit (BAT) lanes where needed based on performance data.</i></p> <p><i>Examples of actions to improve bus speed and reliability at a relatively low cost and low impact to cities include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• Explore opportunities to ensure transit buses are not slowed down at key intersections serving SR 167 to the greatest degree possible.</i> <i>• Bus priority treatments should be identified in collaboration with regional transit providers and cities to optimize transit speeds, reliability, and safety.</i> <i>• Explore opportunities for incentives for local jurisdictions to collaborate with transit for speed and reliability improvements.</i> <i>• Support/develop/advocate for new state and local policies and provisions to incentivize bus priority solutions in concert with cities' comprehensive and transportation plans.</i>
5	Regional transit integration (Pierce Transit, Sound Transit, and King County Metro)	<p><i>Key joint rail/bus hubs in Kent, Auburn, Puyallup, Fife, and other locations should be highly prioritized for improving access to these high-use points of transit connection in the region, including all types of access improvement for riders to easily gain access to these locations. In addition, identifying opportunities for smaller transit hubs and Battery Electric Bus charging can support joint needs for bus-to-bus transfers, layover, and agencies' fleet electrification efforts.</i></p> <p><i>Examples of actions better integrate regional transit include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• Collaborate with transportation partners to ensure planned projects and longer-range plans leverage opportunities at key locations.</i> <i>• Explore opportunities to improve transit connections, add mobility options, and improve the overall modal transfer experience.</i> <i>• Explore opportunities to site and develop Battery Electric Bus charging facilities at existing or new transit hubs for joint use by agencies' buses.</i>

<p>6 Other critical transit access solutions – micro transit, ped/bike</p>	<p><i>Expanding access to existing, high-quality transit service improves peoples' transportation options and leverages the existing system. The region's transit system relies upon a rich network of access solutions to improve transit operations and customer experience, including robust pedestrian and bicycle systems, innovative mobility services, such as micro transit and conveyances where access could be optimized, and multimodal hubs to allow people to conveniently and safely transfer between services and connect to different modes. Access solutions are a critical component for realizing the benefits associated with strategy #1 noted above.</i></p> <p><i>Examples of actions for potential city/transit projects could include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• Pilot new Flexible Service transit projects.</i> <i>• Completion or addition of sidewalks, bicycle facilities, and protected crossings in Regional Growth Centers (RGCs), Countywide Centers, and Manufacturing and Industrial Centers (MICs) and to access transit centers and high-capacity transit stops.</i> <i>• Transit-Oriented Development (TOD) efforts and collaboration with cities to identify and implement complementary transit and land use.</i>
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ⁱ For example, Puget Sound Regional Council, Vision 2050 Multicounty Planning Policies, MPP-DP-23 – “Evaluate planning in regional growth centers and high-capacity transit station areas for their potential physical, economic, and cultural displacement of marginalized residents and businesses. Use a range of strategies to mitigate displacement impacts.” <https://www.psrc.org/sites/default/files/2022-02/vision-2050-mpps.pdf>, accessed Jan 31, 2023.



General Manager's Office

201 S. Jackson Street
KSC-TR-0415
Seattle, WA 98104-3856

July 3, 2023

Roger Millar
Secretary of Transportation
Washington State Department of Transportation
P.O. Box 47316
Olympia, WA 98504-7316

Dear Secretary Millar:

The Puget Sound region continues to experience rapid growth attracting significant increases in residents and jobs. This growth strains our regional network of transportation infrastructure and services, resulting in worsening traffic congestion and additional resources and attention to maintain and preserve the state's system for which drivers and transit riders depend. The set of solutions to move people and goods requires a robust multimodal transportation system that works now and well into the future.

Over the past year and a half, King County Metro has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan and Planning and Environmental Linkages Study. From working through the Vision, Goals, and Metrics to the draft recommendation, we have provided comments, substantive policy recommendations, projects for future consideration and prioritization, and professional insights to help advance this shared work.

We would like to share our support for the final recommendation and are ready to engage in the next steps as we move toward the steps of implementation. The SR 167 Master Plan's final recommendation provides for a myriad of multimodal transportation solutions that meet our region's respective community needs and are sustainable.

King County Metro looks forward to participating in the ongoing discussion as we work toward project prioritization, funding, and implementation.

Sincerely,

DocuSigned by:

A handwritten signature in blue ink that reads "Ernest Kandilige". The signature is written over a blue line that starts with a small circle and extends to the right.

4D0347F055B6410
Ernest Kandilige

Acting General Manager
King County Metro



CITY OF
SUMNER
WASHINGTON

1104 MAPLE STREET, SUMNER WA 98390

April 4, 2024

Mayor Becky Erickson - President
Puget Sound Regional Council Executive Board
1201 Third Avenue, Suite 500
Seattle, WA 98101-3055

Dear Executive Board Members of the Puget Sound Regional Council:

Like the Puget Sound region around us, Sumner continues to grow, both with residents as we add critical missing middle housing and with employees as businesses continue to grow and thrive in our Manufacturing Industrial Center. This growth increases the strain on our transportation infrastructure and services, resulting in increased traffic congestion and increased needs for maintenance and preservation. There is a need to move people and goods by providing a multimodal transportation system that works now and into the future.


We have made significant progress addressing congestion along the 50-mile I-405/SR 167 Corridor that moves people and goods from Lynnwood in the north all the way south to Puyallup. If you have traveled this corridor lately, it's apparent how congested and unreliable unimproved sections of it continue to be, particularly on SR 167. As a strong group of city and county partners along the I-405/SR 167 Corridor, we ask for your support in helping realize the benefits of the SR 167 Express Toll Lanes Extension Project.

With PSRC grant funding, the SR 167 Express Toll Lanes Extension Project will advance towards construction, providing multimodal improvements for all travelers. The project extends the existing southbound Express Toll Lane by 5 miles, completing the SR 167 managed lane system in the southbound direction. This increases continuity of the overall Express Toll Lane system while providing a connection to other regional facilities including SR 518 and SR 410. The project also provides new infrastructure to support a critical component of the recently adopted SR 167 Master Plan in the form of future Bus Rapid Transit Service. Additionally, the project will reduce delay for all travelers and improve safety performance along the corridor.

Over the past two years, the City of Sumner has coordinated closely with the Washington State Department of Transportation on the SR 167 Master Plan. Following guidance outlined in Washington State's HEAL Act, the SR 167 Master Plan used an equity-focused approach to identify issues and develop a set of recommended transportation projects and strategies that serve the needs of those living/working in and around the corridor, including vulnerable populations and overburdened communities. The SR 167 Express Toll Lanes Extension Project is a foundational element of the corridor that the master plan intends to leverage and build upon.

We would like to express our support for PSRC grant funding that will allow the SR 167 Express Toll Lanes Extension Project to advance toward construction.
Thank you for your continued support and collaboration to advance the multimodal I-405/SR 167 corridor program.

Sincerely,

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Kathy Hayden, Mayor
City of Sumner