

WSDOT/ACEC-WA Executive Liaison Committee Meeting

Monday, December 5, 2022 – 1:00 pm to 2:00 pm

Meeting Minutes

- 1.) WSDOT COVID Update – Marshall and Kevin provided an update and outlook regarding COVID and potential future changes as a result of the Governor relinquishing the COVID emergency orders and state of emergency. Potential future changes include:
 - Contractor employees – COVID vaccinations not required due to outside work.
 - WSDOT employees – COVID vaccination requirements and/or requests for accommodations due to religious or medical exemptions will be different in the future. Masking in WSDOT work environments may be accommodated for those employees that do not have a vaccination.
 - Consultant or Contractor employees that are not vaccinated and working in the presence of WSDOT employees will also likely be required to mask up.
 - The mandatory COVID booster requirement was very controversial for Unions and represented employees. Union contracts were ultimately ratified with language that allowed employees who get a booster to receive a bonus, though boosters are not mandatory.
 - WSDOT is not yet sure whether non-represented employees are eligible for a bonus if they get boosted, though more information is coming soon.
 - WSDOT offices may be opened again to the public if they are masked.
 - The Roadmap to Recovery will need to be updated in the near future as these decisions are solidified.

- 2.) Budget and Staffing Updates – Kevin and Marshall noted that WSDOT has great HR resources and staffing levels are increasing overall, and WSDOT is nearing 7,000 employees total.
 - WSDOT is gaining ground on engineering, and even represented engineering staff levels are a bit higher than they were in 2019. With that said, they are not fully staffed, and there are many non-represented positions that are still unfilled.
 - The HR staff have been creative in their recruitment efforts. As an example, the TE2 In-Training positions are interviewed on a statewide basis, then potential employees are sent to the Regions. They are seeing an increase in onboarding of staff that are new to Department.
 - While WSDOT is adding many inexperienced employees right now, they expect to see production increase over time.
 - WSDOT is also hiring a lot of new personnel in higher positions. There is inexperience there as well.

- TE1 to TE3 positions used to have an average tenure of 14 to 15 years. Today that tenure is 6 years. Number of employees are climbing, but still below the ideal 2,200 count. Kevin expects that they might reach 2,200 by the end of the biennium, though many will be new and inexperienced in their positions. As an example, Northwest Region has filled 412 positions this year, with 210 new hires.
- Marshall noted that this would be Kevin's last meeting as he is retiring later this week. Kevin will have an Acting Assistant Secretary in place until they fill this position permanently. Dave Bierschbach, the North Central Region Administrator, will be the Acting Chief Engineer and he will fulfill this interim role from Wenatchee. They expect to have the new Chief Engineer position in place by January.
- Roger Millar's Executive Assistant, Jo Dayton, will also be retiring this week and her replacement has already been hired which is Molly Webster.
- Marshall noted that Allison Camden recently moved to Lars Erickson's former position as the Senior Director for External Relations, and he is recruiting to fill the vacated Deputy Assistant Secretary for Multimodal Development and Delivery position.
- Kevin noted his appreciation for Van's legislative efforts to support salaries for WSDOT employees.

3.) Legislative look-ahead – Mark noted that WSDOT is preparing for the upcoming legislative session, they have a new bill review system called LobbyGov and everyone is receiving training this week.

- Bills start dropping as soon as today. They will be busy reviewing bills from now through April.
- WSDOT will be talking about a revised spending plan for Move-Ahead WA. The current spending plan is front loaded, and they want to get confirmation from legislators on expected rate of spending. WSDOT needs legislative direction on which projects/programs slow down and which speed up. WSDOT can't deliver to the \$6B budget this coming biennium.
- WSDOT needs a balance for workforce as well. Under the current spending plans they need to hire now, then would need to RIF (Reduction in Force) on the downside of the spending curve.
- Van mentioned the Climate Commitment Act is expected to deliver more funding than originally anticipated, based on California earnings. As a result, they expect there will be additional climate mitigation dollars available as well.
- Van noted that the Business Occupation (BO) Tax is a huge impact to consultants. The Legislature is looking at changing the current BO Tax to a Margin Tax. The reason for this potential change is to make the tax code fairer and more equitable in Washington State. The change could be beneficial, but he is not sure. The Margin Tax has four potential offsets for expense items, though the tax rate would be about

double the current rate of 1.3% to 2.833%. Everyone would pay on the same rate, though they would only pay taxes based on the work they do. ACEC has not decided yet whether this is a good approach or not.

- 4.) Brian Nielsen introduced Robin Mayhew as the new Northwest Region Deputy Regional Administrator.
- 5.) OCOI Manual Update – Mark thanked the WSDOT/ACEC/AGC team for their collaboration and teamwork during the manual update process. The information within the manual is organized, provides examples, and should be much easier to understand.
 - He noted an example, the OCOI Manual defines conflicts around PHD within the Fish Passage Program. Any consultant that provides the PHD or oversees this work are conflicted with no way to mitigate. Reviewers of PHD's are not conflicted and those roles will continue. Firms who were involved in previous consultant agreements will be grandfathered in, but new rules will be enforced as of November 1st.
 - WSDOT believes we will receive the new manual by December 31st. This manual is cleaner and clearer, includes such things as firewalls. It more clearly defines the process and procedures that are required.
 - The manual remains a work in progress and the teams will revisit how things are going in July 2023, where they will schedule a check-in with ACEC and AGC.
 - There is a scheduled WSDOT/ACEC training on Tuesday, January 10th. Expect that there will be lots of Q&A.
 - Van noted that this manual will be considered a model for other agencies. Sound Transit is aware of the work and will be looking to use it.
- 6.) Updating the Subcommittee on WSDOT's Strategic Plan – Mark noted that WSDOT made some big shifts to their Strategic Plan. The original plan was to organize a statewide meeting between WSDOT and ACEC to share the changes, but he questioned whether it was of value to the consultant community and whether a discussion at subcommittee groups made more sense.
 - Van and Richard advocated that there would be value, especially on WSDOT expectations around new strategic efforts such as Resiliency and Complete Streets.
 - It would be beneficial to understand WSDOT's expectations and how policy will be changed as a result. WSDOT terminology and definitions interpretation matters regarding expectations of work.
 - This information could also be of value to smaller contractor firms like DBE's.
 - Marshall noted that WSDOT is still building teams and strategies to define policy and manual updates. Receiving input along the way could be helpful as Resilience means so many things on so many levels. He would like to have input from ACEC and AGC.
 - The Annual Meeting in June 2023 could be a good place to discuss as well.

7.) Engineering risk on consultant designed projects – Mark noted a conversation he and Linea had recently about outsourcing more work to consultants, including preservation work.

- Consultants will be doing work that has historically been done in house, e.g., structures preservation. WSDOT has kept that work in house because there is a perception and reality about how to address the work and take appropriate risk.
- The tolerance for risk is different for a consultant and WSDOT is concerned that only more expensive solutions will be provided.
- Documenting the risks and decisions have to be done, so that both the consultant and WSDOT can understand and accept the risk.
- Van noted that there might be a need to look at mutual indemnification, i.e., consultant indemnifies WSDOT currently for risk. Perhaps we should get together and flesh out ideas/examples to look at this topic. Sometimes this type of conversation even comes up in new construction, especially if the project has pre-approved constraints and deviations.
- There is a future action item to address next steps.

8.) Upcoming Meetings and Action Items – Mark reviewed the following schedule. He noted that he would like to know how many committee members are willing to attend the January 3rd meeting in Kent in person. If there is enough interest, we will hold it in person. If there are limited in person attendees, we will keep it virtual. Janelle will send out a poll to members and a decision will be made between himself and Linea after that.

Upcoming Scheduled Meetings:

- Tuesday, January 3, 2023, from 1-3 pm (Hybrid) Kent or Fife area, will poll who would attend in person.
- Wednesday, March 1, 2023, from 9-11 am (Hybrid)
- Monday, May 1, 2023, from 9-11 am (Hybrid)
- June 29th Annual Meeting date works for Roger - Van noted this date is right before the 4th of July holiday weekend.

Action Items:

1. WSDOT to keep providing new COVID protocol information.
2. WSDOT and ACEC to continue their collaboration during the upcoming Legislative session.
3. WSDOT to provide the updated OCOI Manual with an ACEC/AGC/WSDOT informational presentation on Tuesday, January 10th.
4. WSDOT to schedule a check-in regarding the OCOI Manual results in July 2023.
5. WSDOT to determine how to engage ACEC and AGC regarding new Strategic Plan Goals, i.e., Resiliency and Complete Streets, etc. (see notes from Marshall in chat box during meeting, or noted in action item 8 below)
6. WSDOT and ACEC to define next steps regarding Preservation Risk Workshop.
7. WSDOT and ACEC to respond to polling regarding in-person attendance at the January 3rd meeting.

8. WSDOT to consider whether June 29th is a good date or not for the Annual Meeting because of the holiday weekend.
9. Marshall Elizer provided the following information from Secretary Roger Millar's presentation to AASHTO. This is key language that Roger would like to see all the State's adopt:
 - **A resilient transportation system is safe:** Millar believes that the rising number of roadway fatalities is a public health emergency. To that end, safety forms a critical pillar of his resilience vision. He believes state DOTs must embrace the 'Safe System' approach: that safe roads, safe speeds, safe vehicles, safe road users, and post-crash care, all play a role in decreasing fatalities across the nation's road network.
 - **A resilient transportation system is sound:** In order to get the most out of America's transportation systems, Millar said the nation must strengthen state DOT asset management – programs that serve as the foundation for optimized resource allocation. This approach emphasizes equity and inclusiveness in policy and program decisions, while also emphasizing the importance of data in boosting transportation system resilience on a national level.
 - **A resilient transportation system is smart:** Millar believes that the modern state DOT must use all of the tools at their disposal to get the most out of the assets they already have and be smarter about how to support the movement of people and goods. This includes prioritizing all travel options – transit, biking, walking and rolling – to improve accessibility, collaborating more on land use planning, and building upon ITS successes.

9.) The meeting was adjourned at approximately 2:00 pm.