

WSDOT/ACEC Executive Committee Meeting Minutes

March 6, 2025

2:00–4:00 p.m.

Virtual via MS Teams

Present Attendees

Mark Gaines
Kerri Woehler
Todd Trepanier
Robin Mayhew
Evan Grimm
Jay Drye
Rafael Reyes
Steve Roark
Art McCluskey
Leann George

Lisbeth Panush
Jeff Carpenter
Van Collins
Richard Patterson
Joan Zhong-Brisbois
Ron Paananen
Jennifer Saugen
Pamela Beachnau
Brian Nielsen
Kyle McKeon

Agenda Overview

Leann George provided an overview of the agenda and asked if there were any additions or amendments. No additions or amendments were made at this time. NOTE: WSDOT Fish Passage Litigation Hold was added to the agenda during the meeting.

Budget, Workforce, and Capital Projects Update

Presenter: Todd Trepanier

Todd provided an overview of the agency's budget challenges, driven by a significant and growing revenue shortfall identified in the latest revenue forecast. The gap between legislative project mandates and available funding has reached a critical point. To provide a balanced budget, WSDOT is prioritizing preservation, limited safety investments, and fish passage while recommending pushing out all I-1 and I-3 improvement projects out multiple years.

Todd emphasized that even halting all new project starts, stopping all projects in design, and possibly pausing some under construction may not be enough to eliminate budget shortfalls. WSDOT is preparing for potential large-scale reductions, including suspending consultant contracts and potential workforce reductions.

Van Collins affirmed the forecast timeline and noted that discussions around alternative revenue sources (e.g., gas tax surcharge) are ongoing, but no substantial solutions are imminent. He also flagged a criminalization bill (SB 5360) concerning environmental violations, which could have significant liability implications for consultants and contractors.

Mark Gaines added that WSDOT had flagged concerns about the bill's implications for engineering practice and insurance coverage. He also clarified that a CPARB exemption bill is progressing, although it was introduced by a legislator, not the department.

WSDOT is working to maintain preservation efforts by concentrating 25–27 biennium P1 construction in the 2025 season. This strategy supports industry continuity but leaves the 2026 construction season in limbo.

Brian Nielsen highlighted additional concerns around potential diversion of operations and maintenance or ferry funds to backfill capital needs, calling this a potential “shell game” with long-term impacts.

Ron Paananen raised the issues of union impacts and workforce transition challenges. Todd and Mark acknowledged ongoing internal conversations, with a clearer picture expected once the March revenue forecast and legislative budgets are released.

Fish passage delivery is shifting focus from construction to design under current budget expectations. If the “scorched earth” budget scenario plays out, WSDOT may need to shift design work from consultants to internal staff to retain workforce.

Mark and Todd emphasized the importance of ACEC and members advocating for funding without drawing from critical O&M and ferry funds.

Legislative Update

Presenters: Van Collins, Mark Gaines

In addition to SB 5360, Van and Mark discussed other relevant bills and political happenings:

- A design-build bill that removes bonding/insurance requirements for design work is advancing. ACEC and WSDOT are neutral but acknowledge implications.
- Prompt payment legislation tied to CPARB did not make the cutoff.
- A bill to allow WSDOT to lease right-of-way for community benefit at reduced/no cost is progressing. This would support local partnerships and reduce WSDOT maintenance obligations. Mark and Robin Mayhew shared an example from Seattle’s International District.
- Fish passage mediation has been initiated jointly by tribes and WSDOT, offering a potentially positive, collaborative approach. Next steps include mediator selection and defining the process.
- Federal approval processes are expected to slow due to staff/resource issues. Local Federal Highways approvals now route through D.C., increasing delays.

Kerri Woehler and Mark noted uncertainty regarding federal funding, especially in discretionary programs. Washington State continues to operate under its existing values and practices despite national changes.

2025 WSDOT/ACEC Annual Meeting

Presenters: Van Collins / All

Van Collins confirmed that the Annual Meeting will be held on June 5, 2025, at Hotel Murano in Tacoma, a well-received and centrally located venue. While the agenda is still under development, Van encouraged committee members to share ideas for topics or speakers. Given the timing—post-legislative session—there will likely be significant focus on state and federal legislative outcomes. Van noted that this timing will allow for a more informed and relevant conversation around the implications for transportation funding and project delivery.

Mark Gaines emphasized the value of inviting state legislators to speak at the meeting, noting the success of similar events such as AGC annual event, which featured multiple legislative leaders. He also suggested incorporating a federal perspective, possibly via a speaker from ACEC National, to provide direct insights on policy developments in Washington, D.C.

Van confirmed that remote participation from ACEC National representatives would be feasible if in-person attendance is not possible.

Subcommittee Updates

Business Administration Update

Presenter: Ron Paananen (Consultant)

The Business Administration Subcommittee met a few weeks ago. Much of the group's attention remains focused on legislative developments in Olympia.

Ron noted that he missed part of the meeting and will follow up with Schatzie Harvey on her report, which included an update on her survey of other western states regarding subconsultant markups. Given the current budget climate, it's unlikely that this issue will gain traction in the near term, but the findings may still provide useful insights.

During the meeting, Schatzie also discussed updates to the Consultant Services Manual. Overall, the agenda was light, and the committee continues to receive helpful updates related to local programs. For now, most members are in a wait-and-see mode pending further clarity on budget outcomes in the coming months.

Project Delivery Update

Presenters: Rafael Reyes & Jennifer Saugen

The Project Delivery Subcommittee elected to skip its most recent scheduled meeting, given the current uncertainty surrounding legislative developments. The group is instead focused on a few key efforts, most notably the continued work on the Plan for Approval process.

Rafael reported that the subcommittee is making steady progress toward finalizing the Plan for Approval process, with one meeting held in early February and two additional sessions

scheduled for March. The goal is to complete this work and have the updates incorporated into the Design Manual.

The next full subcommittee meeting is planned for April. Agenda items will include a discussion on member participation and engagement—an ongoing priority to ensure active contributions and idea generation from all members.

Jennifer Saugen added that with significant turnover—approximately 50% of the committee has changed in the past two years—the group is still settling into its "new normal." Succession planning and membership updates will be important areas of focus going forward.

In response to a question from Mark Gaines, Rafael confirmed that the Plan for Approval process task force includes broad representation from WSDOT regions, ACEC members with varied technical expertise, local programs, and development services.

Structures & Geotechnical Update

Presenters: Evan Grimm & Joan Zhong-Brisbois

Evan reported that the Structures & Geotechnical Subcommittee continues to have productive discussions, particularly around design-build and progressive design-build project delivery. Recent technical topics have included improvements to specifications, such as resin-bonded anchors, with a goal of achieving greater consistency.

The committee is also preparing for an upcoming transition in membership. Four long-standing members will rotate this year, and four new members will join the committee. These incoming members will participate in the next meeting to get oriented with the group's operations and discussions.

Joan Zhong-Brisbois added that the team remains enthusiastic and engaged, and there is strong interest in continuing the collaboration between WSDOT and ACEC members. She and Evan will review WSDOT-side participation and membership structure after the next meeting.

Evan noted that while ACEC member transitions have been relatively straightforward, discussions are ongoing about how best to manage WSDOT-side continuity. Some members, such as those in key leadership positions (e.g., Ferries Structures Lead), provide essential institutional knowledge and consistent engagement. This may lead to proposed Charter modifications to balance continuity with new member involvement.

Design-Build Update

Presenter: Richard Patterson

Richard reported that the Design-Build Committee recently met to review the December Design-Build Forum. The forum was well received and offered a different approach from the previous three-day Design-Build Training Summit, as this was a single-day event focused on current topics and emerging issues.

Key items discussed at the committee meeting included:

- The review of several legislative topics, including CPARB-related developments and a proposed change that would remove the bonding requirement for the design portion of design-build contracts.
- Gathering data related to warranty pricing for fish passage projects. A contractor survey was distributed to collect bid pricing data, but the response did not yield sufficient information. A follow-up effort is planned to clarify the need and issue a revised survey. It was noted that while designers have limited influence on warranty pricing, a better understanding of cost implications is important.
- Significant discussion on risk allocation in design-build contracts, particularly around geotechnical uncertainty. Industry feedback emphasized the need for more geotechnical borings during procurement to better define subsurface conditions and reduce risk exposure—often a major cost driver on projects.
- Brief discussion of potential future projects, though legislative outcomes may affect which projects move forward.
- Brief mention of the Interstate Bridge Replacement (IBR) project, with recognition that its future—like many large infrastructure projects—is tied closely to legislative and federal decisions. There was interest in monitoring developments as more information becomes available.

Evan Grimm added that IBR remains a key area of interest and uncertainty, particularly on the federal funding side, and that the committee is closely watching for updates.

Local Programs Update

Presenter: Kyle McKeon

Kyle noted it was good to reconnect with the group and provided an update on Local Programs activities. He stated that, while the new federal administration is reviewing all discretionary programs (e.g., RAISE and INFRA/BUILD grants), the formula-funded programs continue to operate as usual.

He emphasized that uncertainty and potential delays from FHWA remain a concern, aligning with earlier remarks shared by Kerri and Mark.

On a positive note, several funding opportunities are currently open:

- County Safety Program Call – Open and accepting applications, with approximately \$30 million available.
- NHS Asset Management Program – Open with \$100 million available.
- Bridge Program – Also open with \$100 million in available funding.

Overall, operations within Local Programs remain steady.

Update on WSDOT/ACEC Collaboration on e-Construction

Presenters: Evan Grimm, Jeff Carpenter, Van Collins

Evan Grimm reported on a recent meeting between WSDOT and ACEC leaders, including Jim Mahugh (Assistant State Design Engineer) and Rick Brice (Bridge Office), both of whom are actively engaged in state and national discussions around digital delivery. The meeting focused on emerging industry trends related to e-Construction, particularly the evolution toward using models as legal documents and the broader implications for as-built documentation, maintenance, and long-term asset management.

The group noted that while many agencies are shifting to digital project delivery, there is often a gap between delivering a digital product and its practical use by maintenance and operations teams. In some cases, agencies received detailed 3D models but lacked the tools or processes to effectively manage or apply the information post-construction.

Jim Mahugh is leading two grant-funded research efforts that allow WSDOT to gradually adopt digital delivery practices, including a pilot project focused on roadside signs. This initiative was highlighted as a manageable starting point due to its defined scope and lifecycle considerations. The group discussed the possibility of launching a pilot project in collaboration with ACEC. The intent would be to select a relatively small project and apply digital delivery to specific project phases to identify lessons learned and determine best practices. Van Collins and Jeff Carpenter committed to engaging the ACEC membership to brainstorm potential pilot projects and areas of focus for collaboration.

Jeff emphasized two key aspects of digital delivery:

1. Project delivery efficiency – leveraging available technology to improve execution.
2. Post-construction value – ensuring the information delivered is usable and valuable to WSDOT's asset managers and maintenance staff.

He reiterated the importance of aligning the level of detail provided with WSDOT's actual needs, noting that while consultants can produce highly detailed BIM models, they must ultimately deliver meaningful value to WSDOT's end users.

WSDOT Fish Passage Litigation Hold

Presenter: Mark Gaines

Mark Gaines provided an update on the litigation hold related to WSDOT's Fish Passage program, originally issued in 2016. The litigation hold applies to both WSDOT staff and consultants working on fish passage-related efforts and requires the retention of all relevant documentation, including emails, memos, and project records, ranging from planning-level materials to specific project details.

A new update to the litigation hold was issued by the Attorney General's Office within the last two days. Of note, Item 5 in the updated notice recommends no using instant messaging

platforms—such as Microsoft Teams or Skype—for communications related to the litigation. This applies to internal and external project team members, including consultants.

The rationale for the restriction is based on record retention and searchability. While email communications are stored, searchable, and can be compiled for legal discovery, Teams chat messages are not currently retained or searchable in the same manner, making them non-compliant with litigation hold requirements.

The updated directive poses operational challenges as Teams chat is a heavily used platform for collaboration and coordination on Fish Passage projects. WSDOT is evaluating how to comply with the directive while still maintaining productivity. One possibility under consideration is archiving Teams chat records as official project documentation; however, this approach is still being explored.

Kim Rydholm will distribute the updated litigation hold notice shortly to all affected parties, including consultants and WSDOT staff involved in Fish Passage work.

The group acknowledged the difficulty this poses, particularly in design-build and progressive delivery environments where real-time communication is critical. Further clarification and implementation guidance are anticipated as WSDOT works through next steps.

WSF Ferry Electrification Update

Discussion: Richard Patterson, Todd Trepanier, Mark Gaines

Governor Ferguson elevated the WSF leadership to a deputy-level cabinet position. The electrification program schedule has been adjusted, with ferry builds delayed but terminal electrification expected to continue. David Sowers is now leading WSF electrification efforts.

Next Meeting & Action Items

- **Next Meeting:** May 14, 2025, 2:00–4:00 p.m. (virtual) ACEC is the lead for creating the agenda.
- **Action Items: No Action just items to consider for the June Annual Meeting**
 - Explore national ACEC participation for the June annual meeting
 - Monitor legislative and revenue forecast outcomes for the June annual meeting